



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA - REGULAR MEETING

Date: August 4, 2004

Time: Closed Session 5:00 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); three cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- g) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- h) Negotiate lease agreement for Lodi Station North Annex; negotiating parties are City of Lodi and Greyhound Lines, Inc.; Government Code §54956.8
- i) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding health insurance coverage provided to the following employee organizations: Association of Lodi City Employees regarding General Services and Maintenance and Operators; Lodi Police Dispatchers Association; Police Officers Association of Lodi; Lodi Professional Firefighters; International Brotherhood of Electrical Workers; Confidential Employees; and Management, Mid-Management, Fire Mid-Management, and Police Mid-Management employees pursuant to Government Code §54957.6

### C-3 Adjourn to Closed Session

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll call**

**B. Invocation** – Captain Frank Severs, Lodi Salvation Army

**C. Pledge of Allegiance** – Boy Scouts of America Troop 291

**D. Presentations**

D-1 Awards – None

D-2 Proclamations

a) Lodi Aerie 848 Fraternal Order of Eagles 100<sup>th</sup> Anniversary

D-3 Presentations

a) Presentation of Certificate of Appreciation to Kronick Moskovitz Tiedemann & Girard for its legal guidance to the City of Lodi

b) Presentation of Certificates of Recognition to Boy Scouts Zachery Eugene Winchester, Scott Edward Killian, and Devin Scott Mariana for obtaining the rank of Eagle Scout (CC)

c) Presentations to outgoing Chairperson and members of the Greater Lodi Area Youth Commission (COM)

d) Greater Lodi Area Youth Commission 2003-04 review of accomplishments (COM)

e) Presentation by the Lodi Salvation Army recognizing volunteers

**E. Consent Calendar (Reading; comments by the public; Council action)**

E-1 Receive Register of Claims in the amount of \$7,176,156.78 (FIN)

E-2 Approve minutes (CLK)

a) June 15, 2004 (Shirtsleeve Session)

b) June 22, 2004 (Shirtsleeve Session)

c) June 29, 2004 (Shirtsleeve Session)

d) July 20, 2004 (Shirtsleeve Session)

e) July 20, 2004 (Special Meeting)

E-3 Accept the Quarterly Investment Account report as required by law SB 564 (FIN)

Res. E-4 Adopt resolution approving specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject bids in an aggregate amount up to \$300,000 for steel streetlight standards and concrete streetlight standards as required during fiscal year 2004-05 (EUD)

E-5 Authorize advertisement for bids for the sale of surplus substation relay test equipment (EUD)

Res. E-6 Adopt resolution awarding the purchase of three 15kV 600-amp horizontal sidebreak pole-top switches to the low bidder, Inertia Engineering, of Stockton (\$5,799.11) (EUD)

Res. E-7 Adopt resolution awarding the contract for services to J&D Auto Body, Inc. to provide towing service for vehicle abatement from public and private property (CD)

E-8 Approve amendment to the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement (PW)

Res. E-9 Adopt resolution authorizing the City Manager to execute an agreement between San Joaquin County Data Processing and the City of Lodi Police Department (est. annual cost \$8,944) (PD)

Res. E-10 Adopt resolution authorizing the reallocation of \$294,043.48 of unobligated Community Development Block Grant funds (CD)

Res. E-11 Adopt resolution recognizing San Joaquin County's "Safely Surrendered Baby Campaign" and designating fire stations as new "Safe Haven" sites (FD)

E-12 Approve task order amendment for West Yost & Associates for sphere of influence surrounding White Slough Facility (\$21,500)

E-13 Authorize advertisement for transportation services for the Lodi Conference and Visitors' Bureau Media Day and authorize use of buses should no alternate provider be willing to perform the service (PW)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Public Hearings**

- Ord. G-1 Public hearing to consider the Planning Commission's recommendation of approval of the  
(Introduce) request of KB Home for a rezone from R-MD, Residential Medium Density, to PD (36), Planned Development Number 36, for The Villas, an 80-lot medium-density single-family residential subdivision located at 449 East Harney Lane (CD)

**H. Communications**

- H-1 Claims filed against the City of Lodi  
a) Exponent, Inc., date of loss July 2003 through February 2004  
b) G.R.A.P.E. Video Recording Company, date of loss January 2004  
H-2 Reports: Boards/Commissions/Task Forces/Committees – None  
H-3 Appointments – None  
H-4 Miscellaneous – None

**I. Regular Calendar**

- Ord. I-1 Introduce ordinance repealing and reenacting Lodi Municipal Code §13.04.130 and establishing  
(Introduce) low-income discounts for water, sewer, and refuse services and adopt resolution establishing  
Res. discounts (PW)  
Res. I-2 Adopt resolution authorizing the City Manager to allocate various funds for the Lodi Customer Assistance & Relief Energy (CARE) Package Program and authorizing the City Manager to execute a contract with the Salvation Army to administer this program (\$105,000) (EUD / PW)  
I-3 Authorize Mayor Hansen to negotiate a contract for the services of an executive search firm for purposes of recruiting a new City Manager for the City of Lodi  
Res. I-4 Discussion and appropriate action regarding adoption of resolution electing to withdraw from the CalPERS Medical Program (Public Employee's Medical and Hospital Care Act) (HR)  
I-5 Discussion and appropriate action regarding the appointment of an Interim City Manager  
Ord. I-6 Consider 1) adoption of an urgency ordinance imposing a ¼-cent sales tax subject to approval  
(Adopt urgency ord.) of a majority of the Lodi electorate; 2) adoption of a resolution submitting a ¼-cent sales tax  
Res. initiative and companion advisory measure to a vote of the electorate of the City of Lodi on November 2, 2004, setting priorities for filing written arguments, and directing the City Attorney to prepare an impartial analysis; and 3) approval of a Special Allocation of \$10,000 to the Elections Fund (CA)  
I-7 Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$188,010.18) (CA)  
Res. I-8 Council discussion and appropriate action regarding a proposed amended and restated contract for legal document services (docket clerk) with Kronick, Moskovitz, Tiedemann & Girard to assist with the Environmental Abatement Program litigation and/or proposed alternatives (CA)

**J. Ordinances – None**

- K. Comments by the City Council Members on non-agenda items**
- L. Comments by the City Manager on non-agenda items**
- M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Lodi Aerie 848 Fraternal Order of Eagles 100<sup>th</sup> Anniversary  
**MEETING DATE:** August 4, 2004  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That Mayor Hansen present a proclamation in celebration of the Lodi Aerie 848 Fraternal Order of Eagles 100<sup>th</sup> Anniversary.

**BACKGROUND INFORMATION:** The Mayor has been requested to present a proclamation in celebration of the Lodi Aerie 848 Fraternal Order of Eagles 100<sup>th</sup> Anniversary. Steve Dutra, President of the Eagles Club, will be at the meeting to accept the proclamation.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

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**AGENDA TITLE:** Presentation of Certificate of Appreciation to Kronick Moskowitz Tiedemann & Girard for Its Legal Guidance to the City of Lodi

**MEETING DATE:** August 4, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That Mayor Hansen present a Certificate of Appreciation to Kronick Moskowitz Tiedemann & Girard for its legal guidance to the City of Lodi.

**BACKGROUND INFORMATION:** This item appears on the agenda at the request of Mayor Hansen. Robert Murphy and Dan O'Hanlon from Kronick Moskowitz Tiedemann & Girard will be at the meeting to accept the Certificate.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation of Certificates of Recognition to Boy Scouts Zachery Eugene Winchester, Scott Edward Killian, and Devin Scott Mariana for Obtaining the Rank of Eagle Scout

**MEETING DATE:** August 4, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That Mayor Hansen present Certificates of Recognition to Boy Scouts Zachery Eugene Winchester, Scott Edward Killian, and Devin Scott Mariana for obtaining the rank of Eagle Scout.

**BACKGROUND INFORMATION:** The City Clerk's Office was notified that Boy Scouts Zachery Eugene Winchester, Scott Edward Killian, and Devin Scott Mariana have obtained the rank of Eagle Scout. In honor of this achievement, Mayor Hansen will present Certificates of Recognition to these young men.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation to Outgoing Chairperson and Members of the Greater Lodi Area Youth Commission

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Mike Areida, City Liaison, Lodi Youth Commission

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**RECOMMENDED ACTION:** Mayor to present Certificates to outgoing Chairperson and members of the Greater Lodi Area Youth Commission.

**BACKGROUND INFORMATION:** Youth Commissioners Katie Wagenman, Joseph Nardinelli, Courtney Cook, Karlyn Nieland, and Mary Goad have graduated from high school this year and will be leaving the Youth Commission after many years of service to this community. The Mayor will recognize each outgoing member for their time and efforts in providing quality programs, special events, and educational opportunities for young adults, as well as presenting outgoing 2003-04 Chairperson, Katie Wagenman, with a Certificate of Recognition.

A handwritten signature in dark ink, appearing to read "Mike Areida", written over a horizontal line.

Mike Areida  
City Liaison, Lodi Youth Commission

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager





## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Greater Lodi Area Youth Commission 2003-2004 Review of Accomplishments  
**MEETING DATE:** August 4, 2004  
**PREPARED BY:** Mike Areida, City Liaison, Lodi Youth Commission

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**RECOMMENDED ACTION:** Presentation.

**BACKGROUND INFORMATION:**

A review of the 2003-2004 year of the Greater Lodi Area Youth Commission.

A handwritten signature in black ink, which appears to read "Mike Areida".

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Mike Areida  
City Liaison, Lodi Youth Commission

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Presentation by the Lodi Salvation Army Recognizing Volunteers

**MEETING DATE:** August 4, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required.

**BACKGROUND INFORMATION:** Captain Frank Severs will be at the meeting to give a presentation to recognize its many volunteers.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Register of Claims Dated July 7, 2004 in the Amount of \$7,176,156.78

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Finance Technician

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**RECOMMENDED ACTION:** That the City Council receives the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$7,176,156.78 dated July 7, 2004, which includes PCE/TCE payments of \$635.50.

**FUNDING:** As per attached report.

\_\_\_\_\_  
James R. Krueger, Finance Director

JK/kb

Attachments

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

1		Accounts Payable	Page	-
		Council Report	Date	- 07/20/04
As of	Fund	Name	Amount	
Thursday				
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07/08/04	00100	General Fund	497,584.97	
	00103	Repair & Demolition Fund	845.00	
	00160	Electric Utility Fund	2,592,927.02	
	00161	Utility Outlay Reserve Fund	11,206.04	
	00164	Public Benefits Fund	1,774.95	
	00170	Waste Water Utility Fund	15,181.01	
	00172	Waste Water Capital Reserve	114,355.92	
	00180	Water Utility Fund	308,559.57	
	00181	Water Utility-Capital Outlay	963.54	
	00210	Library Fund	1,726.62	
	00211	Library Capital Account	2,875.00	
	00234	Local Law Enforce Block Grant	182.23	
	00270	Employee Benefits	15,515.57	
	00300	General Liabilities	1,574.20	
	00310	Worker's Comp Insurance	36,859.93	
	00320	Street Fund	8,077.55	
	00325	Measure K Funds	22,562.65	
	01211	Capital Outlay/General Fund	36,916.88	
	01212	Parks & Rec Capital	20,559.95	
	01250	Dial-a-Ride/Transportation	218,870.87	
	01410	Expendable Trust	19,326.04	
			-----	
Sum			3,928,445.51	
	00183	Water PCE-TCE	84.00	
			-----	
Sum			84.00	
			-----	
Total for Week				
Sum			3,928,529.51	

1		Accounts Payable	Page	-
		Council Report	Date	- 07/20/04
As of	Fund	Name	Amount	
Thursday				
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07/15/04	00100	General Fund	789,086.10	
	00160	Electric Utility Fund	22,901.02	
	00161	Utility Outlay Reserve Fund	108,408.94	
	00164	Public Benefits Fund	8,890.41	
	00170	Waste Water Utility Fund	506,996.67	
	00172	Waste Water Capital Reserve	1,718,800.25	
	00180	Water Utility Fund	1,808.34	
	00181	Water Utility-Capital Outlay	6,000.56	
	00210	Library Fund	792.49	
	00270	Employee Benefits	15,733.18	
	00301	Other Insurance	8,004.00	
	00320	Street Fund	5,895.90	
	00501	Lcr Assessment 95-1	197.03	
	01211	Capital Outlay/General Fund	13,875.92	
	01250	Dial-a-Ride/Transportation	15,004.92	
	01410	Expendable Trust	24,680.29	
			-----	
Sum			3,247,076.02	
	00183	Water PCE-TCE	551.25	
			-----	
Sum			551.25	
			-----	
Total for Week				
Sum			3,247,627.27	

## Council Report for Payroll

Page -

1

Date -

07/20/04

Payroll	Pay Per Date	Co	Name	Gross Pay
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-				
Regular	07/04/04	00100	General Fund	876,972.96
		00160	Electric Utility Fund	165,026.39
		00161	Utility Outlay Reserve Fund	2,483.52
		00164	Public Benefits Fund	4,878.40
		00170	Waste Water Utility Fund	60,362.81
		00172	Waste Water Capital Reserve	2,659.74
		00180	Water Utility Fund	9,480.80
		00210	Library Fund	31,817.32
		00235	LPD-Public Safety Prog AB 1913	3,172.57
		01250	Dial-a-Ride/Transportation	2,566.41
				-----
Pay Period Total:				
Sum				1,159,420.92



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes  
a) June 15, 2004 (Shirtsleeve Session)  
b) June 22, 2004 (Shirtsleeve Session)  
c) June 29, 2004 (Shirtsleeve Session)  
d) July 20, 2004 (Shirtsleeve Session)  
e) July 20, 2004 (Special Meeting)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council approve the following minutes as prepared:  
a) June 15, 2004 (Shirtsleeve Session)  
b) June 22, 2004 (Shirtsleeve Session)  
c) June 29, 2004 (Shirtsleeve Session)  
d) July 20, 2004 (Shirtsleeve Session)  
e) July 20, 2004 (Special Meeting)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through E.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

Attachments

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JUNE 15, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, June 15, 2004, commencing at 7:03 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Hitchcock (arrived at 7:06 a.m.), Howard, and Land  
Absent: Council Members – Mayor Hansen  
Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. CITY COUNCIL CALENDAR UPDATE**

City Clerk Blackston reviewed the weekly calendar (filed).

**C. TOPIC(S)**

C-1 "Review draft fiscal year 2004-05 Financial Plan and Budget"

City Manager Flynn projected that for the next two or three years the City should be in good financial condition. He stated that there are more than sufficient reserves to take care of the City's needs for the next three years. The City does have a structural imbalance of \$1.3 million a year and will be borrowing from its reserves to balance the budget. He reported that the state takeaway is \$2 million a year. He recalled that four years ago the City began setting aside \$1.5 million a year above its operating budget into the Capital Fund for future projects; it now totals \$4.5 million, plus interest. Overall in the capital accounts there is \$13 million. Mr. Flynn reported that there were some capital projects that should have been funded with the General Fund that were charged to other funds, which had to be reversed. He explained that it amounts to approximately \$800,000 and will be discussed at the June 16 Council meeting. He stated that the new public safety building was a \$16 million project and the annual debt service was estimated at \$1.5 million. Consequently \$1.5 million was set aside annually to demonstrate that the City had the capacity to pay the debt service. Approximately two years ago the City refinanced old debt and borrowed additional money needed to complete the public safety building, following which the annual debt service increased from \$1.3 million to \$1.7 million. Mr. Flynn reminded Council that earlier in the year he recommended that proposed capital projects (DeBenedetti Park, indoor sports center, aquatics facility, and animal shelter) be cancelled until the City's financial outlook improves. There is approximately \$6.1 million in the General Fund Capital that is un-programmed. He suggested that after the 2004-05 budget is adopted, a process begin of reviewing and prioritizing the services that each department provides. He reported that the largest growth area has been in personnel, particularly in the Fire Department where 15 positions were added over the past ten years. He stated that the Fitch Rating Agency will likely be downgrading Lodi's General Fund rating from A- to B.

In reply to Council Member Land, Mr. Flynn stated the \$6.1 million in reserve is a combination of the \$1.5 million set aside, interest earnings, and "probably" the \$350,000 transfers taken from Electric Utility. In reference to the cost of the Environmental Abatement Program (EAP) litigation, Mr. Flynn estimated that if the City borrowed \$40 million to pay for legal fees and cleanup work, at 7% interest for 20 years, it would amount to \$1.77 per household per month in increased rates.

In response to Council Member Hitchcock, Public Works Director Prima stated that the water rates were adjusted to pick up the additional cost of the Woodbridge Irrigation District contract and the \$800,000 estimated annual cost of the EAP litigation. He confirmed that no part of the rate increases were to fix any past fund balance issues.



Interim City Attorney Schwabauer explained that in January, he and Mr. Prima discussed what amount should be assumed for the EAP litigation and had decided on \$800,000 annually. This was before there was any track record of what the actual expenses were. Since then approximately \$200,000 a month has been spent on litigation, in addition to \$50,000 for consultant services.

Mr. Flynn reported that Lodi's sales tax decreased by 1.5% in the second quarter report. He noted that "no growth" cities generally have a tax structure that is much higher than other cities.

Mayor Pro Tempore Beckman asked that the topic of possible policies regarding future revenues be placed on an agenda for public discussion as to what direction the City should take, e.g. to work toward being a commercial or tourism center, etc.

Mr. Flynn agreed and stated that the outcome of such a discussion would set the strategy that the Planning Department and the City needs to focus on to remain successful and viable; otherwise, the City operates on a day to day level without a vision of the future toward what it is trying to achieve.

Council Member Hitchcock pointed out that the 2003-04 projections were off by \$1.6 million. Addressing Mr. Flynn, she asked why he was not recommending some of the cost saving measures he had offered earlier, considering that the budget now shows \$31 million in revenue and \$36 million in expenditures. Ms. Hitchcock stated that she was very uncomfortable with the recommendation to balance the budget with phantom numbers under the category of Other Sources and Uses, particularly when they never end up as predicted at the end of the year.

Finance Director Krueger reviewed the "blue sheet" entitled *2004-05 Financial Plan and Summary, Changes in the Fund Balance – General Fund* (filed; marked as Exhibit A) and presented the following information:

- Revised budget revenues total \$32,587,481;
- General Fund expenditures total \$34,490,227;
- Expenditures exceed revenues by \$1,902,746;
- The net surplus as a result of transfers in, transfers out, and Other Sources and Uses is \$4,936,836; and
- The ending fund balance as of June 30, 2005, is projected to be \$4.8 million, which is 14% of expenditures.

Mr. Krueger reviewed another document (filed; marked as Exhibit B) and presented the following information:

- The original budget for 2004-05 showed a deficit of \$5.2 million;
- Other Sources and Uses in the original budget showed a surplus of \$4.5 million;
- The structural deficit in the original budget was \$656,000;
- Recurring adjustments to expenditures amount to \$3.3 million;
- One-time adjustments to revenues amount to \$1.8 million, which is principally property taxes that would go into the Capital Outlay account in order to pay for debt service; based on staff's analysis of the Capital Outlay Fund the City has enough money to make the debt service payment and set up a reserve;
- One-time expenditure increases total \$417,000;
- Other items, which are primarily transfers, total \$1,122,795; and
- The net surplus for the 2004-05 budget totals \$3,034,000.

*Continued June 15, 2004*

Mr. Krueger reviewed page 2 (of Exhibit B) and reported that the structural deficit is \$1,338,946, which he advised needs to be cured before the next two-year budget.

Council Member Hitchcock again questioned the recommendation to defer cost savings measures when there is a \$1.3 million structural deficit in the budget.

Mr. Flynn explained that earlier in the year he was unaware of how much reserves there were in the Capital accounts, which can now be used toward the deficit. He agreed that cost saving options would be presented to Council in the next budget presentation.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:11 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JUNE 22, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, June 22, 2004, commencing at 7:02 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. CITY COUNCIL CALENDAR UPDATE**

City Clerk Blackston reviewed the weekly calendar (filed).

**C. TOPIC(S)**

C-1 "Review draft fiscal year 2004-05 Financial Plan and Budget"

City Manager Flynn recalled that he had been quoted in the newspaper as saying that adopting the budget in June was not significant. He stated that it was not true because of the historical significance of always having done so in the past.

Deputy City Manager Keeter noted that on May 19 the Budget Advisory Committee and City Manager presented recommended adjustments for the budget. On June 2, the draft budget document was released. Consideration to adopt the budget will be made on July 21.

Finance Director Krueger reviewed the following information from the draft budget document:

- The General Fund ending fund balance is \$4.8 million;
- There are recurring adjustments to expenditures of \$3,348,000;
- Revenue adjustments are \$1,881,000;
- One-time expenditure adjustments are \$417,000;
- Other adjustments (primarily transfers) amount to \$1,122,000; and
- The total recurring expenditure adjustment of \$3.3 million and one-time adjustment of \$3,690,000 amounts to a net surplus of \$3,034,000.

Mr. Flynn summarized that savings in the General Fund Capital are being used to fill in the gap (\$1.3 million deficit) for the next two years. He stated that there will have to be a fundamental change to the budget if the City is going to have a healthy organization into the future. He recalled that earlier in the year he suggested a mandatory furlough program; however, that would be only a one-time adjustment, which would not correct the fundamental problem. Similarly, a pay cut would be a one-time adjustment. If the City's strategy is to wait for economic growth, then it must "hold the line" in terms of staff growth. He determined that the City has added more staff than it has the capacity to manage. During the last seven years, the Fire Department has added 15 positions and Public Works has added 20. The recommended budget will be balanced and add to reserves next year in the General Fund; however, funding will be drawn from the Capital accounts. He cautioned about potential impacts from Stockton's movement toward Eight Mile Road and its commercial corridor from Interstate 5 to Highway 99. In addition, Elk Grove is planning on building the second largest retail mall in the United States. This activity will attract business out of the City of Lodi. He noted that "no growth" communities have higher tax rates. Lodi needs to update its general plan at an estimated cost of \$1 million. He recommended that Council give approval to charge it to the General Fund Capital so that it can proceed.

Mr. Krueger distributed documents entitled Options for Structural Deficit and Budget Comments – Support (both filed).

Mayor Pro Tempore Beckman stated that the “Comments” report incorrectly reflected his position. With the exception of the 911 fees and ¼ cent sales tax, he supported all other recommended cost savings measures.

Mr. Krueger believed that transfers from the Capital Outlay Fund would be a responsible way to deal with the General Fund budget, and additional action does not need to be taken at this time. He recommended that a long-term look be conducted, taking into consideration the City survey results and priorities of programs that each department accomplishes. He commented that to alleviate the \$1.3 million deficit it would require a 6% reduction in pay or a 10% reduction in hours worked.

Mr. Krueger reported that in the Library Fund an adjustment was made that would reduce property tax revenues of \$45,120, which is the library’s share of the state takeaway. Corresponding with the reduction in revenues is a \$32,911 reduction in expenditures.

Library Director Nancy Martinez stated that the Library Board would like to spend monies in the way it feels would best serve the community and, at this point, believes that the decrease in funding can be absorbed without a reduction in hours of service.

Mr. Krueger stated that staff recommends transferring \$2,062,000 from the Capital Outlay Fund to the General Fund, which will leave a fund balance of \$8,948,000 in the Capital Outlay Fund. Of that balance, \$1,679,000 is needed for debt service. Impact fees are the largest portion of the remaining balance of \$7,269,000. Mr. Krueger suggested that police facilities impact fees be used, as collected, to pay a portion of the debt service over time. He noted that the Transportation Development Act Fund had a small deficit that has been alleviated.

Council Member Land felt that passing the City’s budget on time was more than historically significant, it was fiscally responsible. He objected to the assertion at a previous meeting by Council Member Hitchcock that his vote, and that of Council Member Howard’s, was not as important as hers because they only have five more months left to serve on the Council. He contended that every Council Member has an equal voice on the Council and on decision making. He asked Council to reconsider adopting the budget on June 30.

Mayor Pro Tempore Beckman recalled that all five Council Members were present when the consensus was made to consider adoption of the budget on July 21.

Council Member Howard expressed agreement with Mr. Land’s comments.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:26 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JUNE 29, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, June 29, 2004, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn and City Clerk Blackston

Note: Interim City Attorney Schwabauer was excused from attending the meeting by Mayor Hansen.

**B. CITY COUNCIL CALENDAR UPDATE**

City Clerk Blackston reviewed the weekly calendar (filed).

**C. TOPIC(S)**

**C-1 "Review draft fiscal year 2004-05 Financial Plan and Budget"**

Finance Director Krueger reviewed information from the 2004-05 2<sup>nd</sup> Year of Two Year Financial Plan and Budget (filed). Referencing page C-5, Mr. Krueger noted that revenues and expenditures in the Community Development Block Grant fund are \$1,089,110, which ends in a zero fund balance. On page C-7, the Street Fund shows an ending balance of \$2,091,185.

Public Works Director Prima stated that projects under the Street Fund are listed on pages E-59 through E-63 in the original budget document.

Mr. Krueger referenced page G8 and stated that the amount in reserve in the Capital Outlay Fund will be sufficient in order to make the transfer to the Debt Service Fund for the debt service on the bonds that were issued to finance the new police facility. Mr. Krueger reported that the budget adopted last year showed service charge revenues in the Water Fund of \$6,187,165. The \$2 million adjustment for the rate increases will bring the service charges up to \$8,187,165 for 2004-05. The Water Fund will also have an adjustment of \$800,500 for Environmental Abatement Program costs. Total revenues in the Water Fund are \$8,446,385 and the ending fund balance is \$9,407. Mr. Krueger anticipated staff will be making a recommendation to Council in the fall or spring for additional rate increases.

City Manager Flynn added that an estimate of the additional rate increases would amount to \$1.50 to \$2.00 a month per household.

Mr. Krueger reported that \$8,974,778 is anticipated in service charge revenues in the Wastewater Fund, which had increased over earlier projections due to the recently adopted rate increases. The amount reserved for debt service is \$2,169,850. It is anticipated that at the end of the year the unreserved fund balance would be \$602,732. On page C-11, the Electric Fund service charges total \$52,604,775. The bulk power purchase totals \$32,650,000 and operating expenditures are \$14,333,740.

Mr. Flynn noted that page E-4 shows that as of 2004-05 the \$350,000 transfer from Electric Utility is no longer being made.

In reply to Council Member Land, Electric Utility Director Vallow reported that subsequent to deregulation it was reauthorized that 2.58% of public utilities operating revenues would be dedicated to public benefit programs, which amount to approximately \$850,000 annually in the budget.

Mr. Krueger referenced page G-12 and noted that \$2,668,000 was the beginning deficit in the Transit Fund. Other sources of funds have alleviated the deficit balance and it is anticipated that by the end of the year there will be a \$109,625 negative balance, which is anticipated to be resolved by the end of the next fiscal year. In reply to Mayor Pro Tempore Beckman, Mr. Krueger acknowledged that there was an error in the "changes" column, as the zero ending balance did not calculate out and he stated that it would be corrected in the final budget document. The Benefits Fund on page G-13 shows a beginning deficit of \$127,313 and an ending fund balance of zero. The Self Insurance Fund on page C-14 has an ending fund balance of \$1,615,264, which is reserved for future insurance losses. The Vehicle and Equipment Replacement Fund on page C-15 has a beginning fund balance of \$220,637 and an ending fund balance of \$240,137. Transfers offset purchases made in the current year.

Council Member Land asked whether the policy for replacement of vehicles was going to be reviewed for the feasibility of extending the use of vehicles for an additional year or two, to which Mr. Flynn answered in the affirmative and stated that it would be brought back for Council's consideration.

Mr. Flynn reviewed the topic for next Tuesday's Shirtsleeve Session regarding the California Public Employees Retirement System and specifically the status of its medical insurance plan.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:12 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JULY 20, 2004**

The July 20, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JULY 20, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of July 20, 2004, was called to order by Mayor Hansen at 7:06 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, and Mayor Hansen

Absent: Council Members – Land

Also Present: Deputy City Manager Keeter, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. CLOSED SESSION**

At 7:06 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- B-1 Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- B-2 Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- B-3 Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- B-4 Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- B-5 Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- B-6 Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- B-7 Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- B-8 Conference with labor negotiators, Mayor Hansen and Mayor Pro Tempore Beckman, regarding unrepresented employee, City Attorney (Government Code §54957.6)

The Closed Session adjourned at 9:18 a.m.

**C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 9:18 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed the following actions.

In regard to Item B-1 through B-7, on a vote of 4-0, Council approved a six-month budget with Folger Levin & Kahn (FLK) in an amount up to \$2,190,000 for the Environmental Abatement Program litigation and directed that a monthly report be prepared by FLK showing actual costs and percentage differences in each category from what was projected.

In regard to Item B-8, no reportable action was taken in closed session.



*Continued July 20, 2004*

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:18 a.m.

ATTEST:

Susan J. Blackston  
City Clerk



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Accept the Quarterly Investment Account report as required by law SB 564

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Finance Director/Treasurer

**RECOMMENDED ACTION:** That the City Council by motion/action accept the quarterly report of the City of Lodi pooled money investment account as required by SB 564.

**BACKGROUND INFORMATION:** The investment report is currently included in the monthly executive report distributed to Council. SB 564 required local agency treasurers to submit a report on investments at a public meeting. The City of Lodi has an investment policy, which is submitted to council for approval on an annual basis. Copies of the policy are available in the Finance Department. In addition to the quarterly report on investments in the City of Lodi pooled money investment account, a breakdown Treasury Inventory by type has been included in a chart format. Also included is the most current report of the Local Agency Summary of Investment Data and the State of California pooled money investment account market valuation.

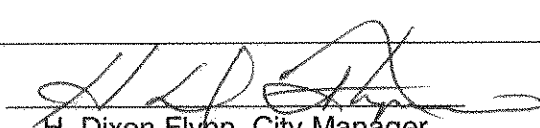
The City of Lodi maintains membership in the California Municipal Treasurers Association and conforms to guide lines set forth by the CMTA investment report committee. The Finance Department will continue to include the investment report monthly as part of the executive report.

**FUNDING:** None

  
James Krueger, Finance Director/Treasurer

JK/mmc  
Attachments

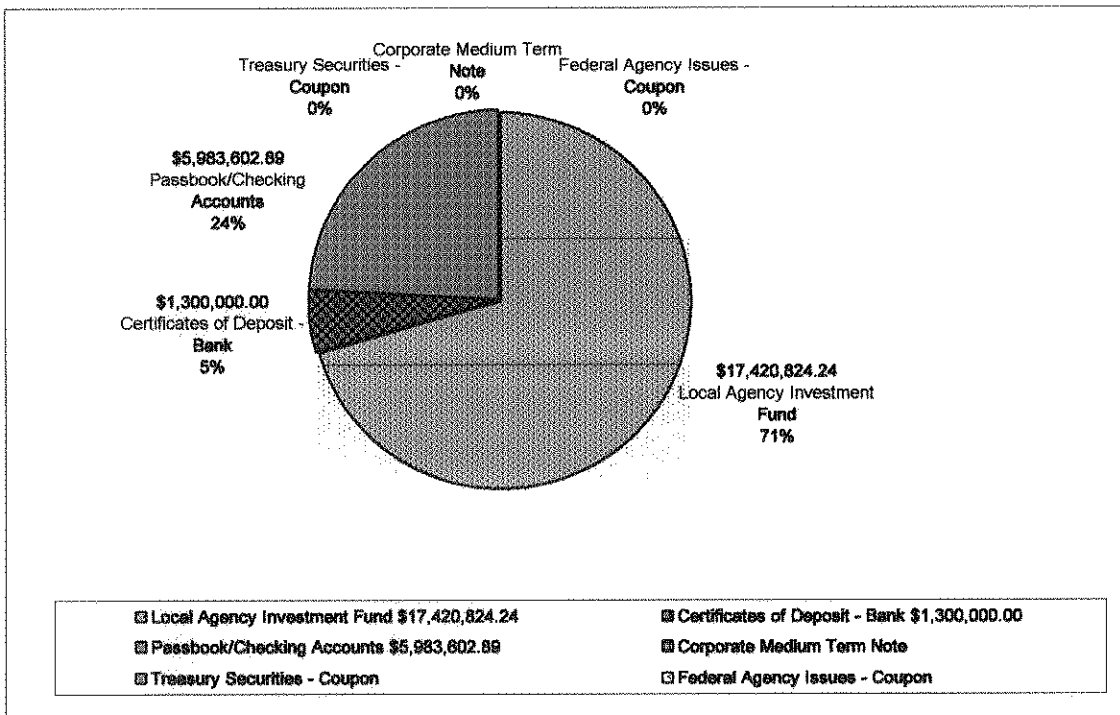
APPROVED:

  
H. Dixon Flynn, City Manager

# BREAKDOWN OF TREASURY INVENTORY BY TYPE

June 30, 2004

<u>Type of Security</u>	<u>Amount</u>	<u>Percent of Portfolio</u>	<u>Maximum Maturity</u>
Local Agency Investment Fund	\$17,420,824.24	70.517014%	Indefinite
Certificates of Deposit - Bank	\$1,300,000.00	5.262215%	5 years
Passbook/Checking Accounts	\$5,983,602.89	24.220772%	Indefinite
Corporate Medium Term Note		0.000000%	5 years
Treasury Securities - Coupon		0.000000%	5 years
Federal Agency Issues - Coupon		0.000000%	5 years
	<u>\$24,704,427.13</u>	<u>100.00%</u>	





**City of Lodi**  
**Portfolio Management**  
**Portfolio Summary**  
**June 30, 2004**

City of Lodi  
 212 W. Pine St.  
 Lodi, CA 95240  
 (209)333-6800

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Local Agency Investment Funds	17,420,824.24	17,420,824.24	17,420,824.24	70.52	1	1	1.430	1.450
Certificates of Deposit - Bank	1,300,000.00	1,300,000.00	1,300,000.00	5.26	209	125	1.022	1.036
Passbook/Checking Accounts	5,983,602.89	5,983,602.89	5,983,602.89	24.22	1	1	0.000	0.000
<b>Investments</b>	<b>24,704,427.13</b>	<b>24,704,427.13</b>	<b>24,704,427.13</b>	<b>100.00%</b>	<b>12</b>	<b>8</b>	<b>1.062</b>	<b>1.077</b>

Total Earnings	June 30 Month Ending	Fiscal Year To Date	Fiscal Year Ending
Current Year	22,200.67	266,845.74	266,845.74
Average Daily Balance	24,339,045.55	22,322,028.28	
Effective Rate of Return	1.11%	1.19%	

Based on the approved budget and to the extent the budget is adhered to, liquidity is available for the next six months. Union Bank of California is the source of market valuation.

*Marcella Maxine Cadwallader* 7-12-04  
 Marcella Maxine Cadwallader, Revenue Manager/Deputy Treas.

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PM (PRF\_PM1) SymRept V6.21  
 Report Ver. 5.00

**City of Lodi**  
**Portfolio Management**  
**Portfolio Details - Investments**  
**June 30, 2004**

Page 2

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 360	Days to Maturity	Maturity Date
<b>Local Agency Investment Funds</b>												
LAIF	1000	Local Agency Invest. Fund			16,614,287.36	16,614,287.36	16,614,287.36	1.450		1.430	1	
LPIC	1001	Local Agency Inv Fund (LPIC)			806,536.88	806,536.88	806,536.88	1.450		1.430	1	
<b>Subtotal and Average</b>			<b>17,420,824.24</b>		<b>17,420,824.24</b>	<b>17,420,824.24</b>	<b>17,420,824.24</b>			<b>1.430</b>	<b>1</b>	
<b>Certificates of Deposit - Bank</b>												
SYS72WEST	72	Bank of the West		04/17/2004	100,000.00	100,000.00	100,000.00	1.090		1.090	290	04/17/2005
SYS68BA	68	Bank of America		12/17/2003	100,000.00	100,000.00	100,000.00	1.050		1.050	169	12/17/2004
SYS73FM	73	Farmers and Merchants Bank		04/20/2004	1,000,000.00	1,000,000.00	1,000,000.00	1.000		1.000	108	10/17/2004
SYS70LODI	70	Bank of Lodi		03/26/2004	100,000.00	100,000.00	100,000.00	1.140		1.140	83	09/22/2004
<b>Subtotal and Average</b>			<b>1,300,000.00</b>		<b>1,300,000.00</b>	<b>1,300,000.00</b>	<b>1,300,000.00</b>			<b>1.022</b>	<b>125</b>	
<b>Passbook/Checking Accounts</b>												
BACK	4003	Bank of America		07/01/2003	202,724.60	202,724.60	202,724.60			0.000	1	
SYS4000	4000	Farmers & Merchants			5,780,878.29	5,780,878.29	5,780,878.29			0.000	1	
<b>Subtotal and Average</b>			<b>5,618,221.31</b>		<b>5,983,602.89</b>	<b>5,983,602.89</b>	<b>5,983,602.89</b>			<b>0.000</b>	<b>1</b>	
<b>Total and Average</b>			<b>24,339,045.55</b>		<b>24,704,427.13</b>	<b>24,704,427.13</b>	<b>24,704,427.13</b>			<b>1.062</b>	<b>8</b>	

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**City of Lodi**  
**Portfolio Management**  
**Activity By Type**  
**June 1, 2004 through June 30, 2004**

Page 3

CUSIP	Investment #	Issuer	Stated Rate	Transaction Date	Purchases or Deposits	Redemptions or Withdrawals	Balance
<b>Local Agency Investment Funds (Monthly Summary)</b>							
		Subtotal					17,420,824.24
<b>Certificates of Deposit - Bank</b>							
		Subtotal					1,300,000.00
<b>Passbook/Checking Accounts (Monthly Summary)</b>							
BACK	4003	Bank of America			317,522.91	0.00	
SYS4000	4000	Farmers & Merchants			11,955,808.86	11,895,350.83	
		Subtotal			12,273,331.77	11,895,350.83	5,983,602.89
		Total			12,273,331.77	11,895,350.83	24,704,427.13

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**City of Lodi**  
**Portfolio Management**  
**Activity Summary**  
**June 2003 through June 2004**

Page 4

Month End	Year	Number of Securities	Total Invested	Yield to Maturity		Managed Pool Rate	Number of Investments Purchased	Number of Investments Redeemed	Average Term	Average Days to Maturity
				360 Equivalent	365 Equivalent					
June	2003	8	16,686,213.39	1.509	1.529	1.980	0	0	17	11
July	2003	8	20,920,950.24	1.339	1.358	1.770	1	0	14	7
August	2003	8	21,377,916.21	1.311	1.329	1.770	0	0	14	5
September	2003	8	21,502,647.06	1.299	1.317	1.770	1	1	14	4
October	2003	8	21,612,020.75	1.185	1.202	1.630	1	1	13	11
November	2003	8	20,675,513.99	1.239	1.256	1.630	0	0	14	9
December	2003	8	18,486,744.43	1.188	1.205	1.630	1	1	16	10
January	2004	8	24,505,234.71	1.126	1.141	1.530	0	0	12	6
February	2004	8	25,233,805.42	1.093	1.108	1.530	0	0	12	4
March	2004	8	24,182,796.48	1.141	1.156	1.530	1	1	12	4
April	2004	8	22,736,185.55	1.211	1.227	1.530	2	2	13	12
May	2004	8	24,749,985.76	1.077	1.092	1.474	0	0	12	9
June	2004	8	24,704,427.13	1.062	1.077	1.450	0	0	12	8
Average		8	22,105,726.24	1.214%	1.231%	1.633	1	0	13	8

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**City of Lodi**  
**Portfolio Management**  
**Distribution of Investments By Type**  
**June 2003 through June 2004**

Page 5

Security Type	June 2003	July 2003	August 2003	September 2003	October 2003	November 2003	December 2003	January 2004	February 2004	March 2004	April 2004	May 2004	June 2004	Average by Period
Local Agency Investment Funds	71.6	71.7	70.2	69.7	69.7	72.8	69.2	70.8	68.8	71.8	76.4	70.4	70.5	71.1%
Certificates of Deposit - Bank	7.8	6.2	6.1	6.1	6.0	6.3	7.0	5.3	5.2	5.4	5.7	5.3	5.3	6.0%
Certificates of Deposit - S & L														
Passbook/Checking Accounts	20.6	22.1	23.8	24.2	24.3	20.9	23.7	23.9	26.1	22.8	17.9	24.4	24.2	23.0%
Corporate Medium Term Note														
Commercial Paper - Interest Bearing														
Repurchase Agreements														
Federal Agency Issues - Coupon														
Treasury Securities - Coupon														
Mortgage Backed Securities														
Bankers Acceptances -Amortizing														
Commercial Paper Disc. -Amortizing														
Federal Agency Disc. -Amortizing														
Treasury Discounts -Amortizing														
Miscellaneous Discounts -Amortizing														

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**City of Lodi**  
**Portfolio Management**  
**Interest Earnings Summary**  
**June 30, 2004**

Page 6

	June 30 Month Ending	Fiscal Year To Date
<b>CD/Coupon/Discount Investments:</b>		
Interest Collected	271.78	16,278.56
Plus Accrued Interest at End of Period	2,080.60	2,080.60
Less Accrued Interest at Beginning of Period	( 1,245.71)	( 2,959.74)
Less Accrued Interest at Purchase During Period	( 0.00)	( 0.00)
Interest Earned during Period	1,106.67	15,399.42
Adjusted by Premiums and Discounts	0.00	0.00
Adjusted by Capital Gains or Losses	0.00	0.00
Earnings during Periods	1,106.67	15,399.42
<b>Pass Through Securities:</b>		
Interest Collected	0.00	0.00
Plus Accrued Interest at End of Period	0.00	0.00
Less Accrued Interest at Beginning of Period	( 0.00)	( 0.00)
Less Accrued Interest at Purchase During Period	( 0.00)	( 0.00)
Interest Earned during Period	0.00	0.00
Adjusted by Premiums and Discounts	0.00	0.00
Adjusted by Capital Gains or Losses	0.00	0.00
Earnings during Periods	0.00	0.00
<b>Cash/Checking Accounts:</b>		
Interest Collected	0.00	229,494.51
Plus Accrued Interest at End of Period	69,605.14	69,605.14
Less Accrued Interest at Beginning of Period	( 48,511.14)	( 47,653.33)
Interest Earned during Period	21,094.00	251,446.32
<b>Total Interest Earned during Period</b>	<b>22,200.67</b>	<b>266,845.74</b>
<b>Total Adjustments from Premiums and Discounts</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Capital Gains or Losses</b>	<b>0.00</b>	<b>0.00</b>
<b>Total Earnings during Period</b>	<b>22,200.67</b>	<b>266,845.74</b>

Portfolio CITY

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PM (PRF\_PM6) SymRept V6.21

Report Ver. 5.00

**PHIL ANGELIDES  
TREASURER  
STATE OF CALIFORNIA**

**INVESTMENT DIVISION SELECTED INVESTMENT DATA  
ANALYSIS OF THE POOLED MONEY INVESTMENT ACCOUNT PORTFOLIO  
(000 OMITTED)**

March 31, 2004

<u>TYPE OF SECURITY</u>	AMOUNT	PERCENT	PERCENTAGE CHANGE FROM PRIOR MONTH
<b>Government</b>			
Bills	\$ 1,094,783	2.11	-0.11
Bonds	0	0	0
Notes	6,147,707	11.84	-0.77
Strips	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total Governments</b>	<b>\$ 7,242,490</b>	<b>13.95</b>	<b>-0.88</b>
<b>Federal Agency Coupons</b>	<b>\$ 3,915,362</b>	<b>7.54</b>	<b>+0.29</b>
<b>Certificate of Deposits</b>	<b>7,935,044</b>	<b>15.29</b>	<b>+1.79</b>
<b>Bank Notes</b>	<b>808,635</b>	<b>1.56</b>	<b>-0.13</b>
<b>Bankers' Acceptances</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Repurchases</b>	<b>0</b>	<b>0</b>	<b>-0.18</b>
<b>Federal Agency Discount Notes</b>	<b>9,165,817</b>	<b>17.66</b>	<b>+0.33</b>
<b>Time Deposits</b>	<b>5,881,295</b>	<b>11.33</b>	<b>+0.49</b>
<b>GNMAs</b>	<b>492</b>	<b>0</b>	<b>0</b>
<b>Commerical Paper</b>	<b>8,016,691</b>	<b>15.45</b>	<b>-3.54</b>
<b>FHLMC</b>	<b>3,567</b>	<b>0.01</b>	<b>0</b>
<b>Corporate Bonds</b>	<b>1,791,202</b>	<b>3.46</b>	<b>+0.09</b>
<b>Pooled Loans</b>	<b>6,208,431</b>	<b>11.96</b>	<b>+0.90</b>
<b>GF Loans</b>	<b>928,500</b>	<b>1.79</b>	<b>+0.84</b>
<b>Reversed Repurchases</b>	<u><b>0</b></u>	<u><b>0</b></u>	<u><b>0</b></u>
<b>Total (All Types)</b>	<b>\$ 51,897,526</b>	<b>100.00</b>	

\* Average Life of Portfolio as of March 31, 2004 is 159 Days

**State of California**  
**Pooled Money Investment Account**  
**Market Valuation**  
**03/31/04**

Carrying Cost Plus				
Description	Accrued Interest Purch.	Amortized Cost	Fair Value	Accrued Interest
United States Treasury:				
Bills	\$ 1,094,783,138.88	\$ 1,097,506,732.29	\$ 1,097,531,000.00	NA
Notes	\$ 6,147,706,685.12	\$ 6,147,706,685.12	\$ 6,159,525,750.00	\$ 75,275,049.50
Federal Agency:				
SBA	\$ 523,368,506.43	\$ 523,339,690.25	\$ 518,045,303.71	\$ 1,208,431.29
MBS	\$ 453,547,512.20	\$ 453,547,512.20	\$ 449,605,759.16	\$ 2,060,367.82
Bonds	\$ 2,938,446,444.80	\$ 2,938,446,444.80	\$ 2,959,798,872.30	\$ 31,703,535.24
Floater	\$ -	\$ -	\$ -	\$ -
Discount Notes	\$ 9,165,816,591.54	\$ 9,202,507,743.41	\$ 9,204,298,561.30	NA
FHLMC PC	\$ 3,566,661.69	\$ 3,566,661.69	\$ 3,901,259.99	\$ 57,381.24
GNMA	\$ 492,350.06	\$ 492,350.06	\$ 566,805.96	\$ 4,869.69
Bankers Acceptances	\$ -	\$ -	\$ -	NA
Bank Notes	\$ 808,635,419.39	\$ 808,585,019.83	\$ 808,619,864.32	\$ 1,496,054.66
CDs	\$ 7,935,044,108.97	\$ 7,935,044,108.97	\$ 7,935,314,634.75	\$ 15,789,948.60
Commercial Paper	\$ 8,016,691,420.90	\$ 8,029,748,324.49	\$ 8,030,273,841.11	NA
Corporate:				
Floater	\$ 79,992,220.34	\$ 79,992,220.34	\$ 80,004,500.00	\$ 38,125.00
Bonds	\$ 1,711,208,851.63	\$ 1,711,208,851.63	\$ 1,723,408,938.24	\$ 27,034,267.50
Repurchase Agreements	\$ -	\$ -	\$ -	NA
Reverse Repurchase	\$ -	\$ -	\$ -	\$ -
Time Deposits	\$ 5,881,295,000.00	\$ 5,881,295,000.00	\$ 5,881,295,000.00	NA
AB 55 & GF Loans	\$ 7,136,931,359.54	\$ 7,136,931,359.54	\$ 7,136,931,359.54	NA
<b>TOTAL</b>	<b>\$ 51,897,526,271.49</b>	<b>\$ 51,949,918,704.62</b>	<b>\$ 51,989,121,450.38</b>	<b>\$ 154,668,030.54</b>

Fair Value Including Accrued Interest

\$ 52,143,789,480.92

Repurchase Agreements, Time Deposits, AB 55 & General Fund loans, and Reverse Repurchase agreements are carried at portfolio book value (carrying cost).

The value of each participating dollar equals the fair value divided by the amortized cost (1.000754626).  
As an example: if an agency has an account balance of \$20,000,000.00, then the agency would report its participation in the LAIF valued at \$20,015,092.51 or \$20,000,000.00 x 1.000754626



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt a resolution approving specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject bids in an aggregate amount up to \$300,000 for steel streetlight standards and concrete streetlight standards as required during fiscal year 2004-2005 (EUD)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution approving the specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject bids in an aggregate amount up to \$300,000 for the purchase of steel streetlight standards and concrete streetlight standards as needed by the Electric Utility Department during fiscal year 2004-2005.

**BACKGROUND INFORMATION:** The steel standards will be utilized for the Streetlight Standard Upgrade project (green standards). The concrete standards will be used for the Streetlight Completion project, phase IV, as well as for replacement of green steel standards in the area within the Main Street/Lodi Avenue/Ham Lane/Lockeford Street boundary. Additionally, a small inventory of both types will be maintained for replacement of poles damaged in traffic accidents.

Staff plans to advertise for bids as required, and as storage space allows. Initial bids will be for 75 concrete standards (estimated cost \$105,000), and for 35 steel standards (estimated cost \$25,000). Follow-up bids will be issued early in 2005.

**BID OPENING:** Initial Bids: August 18, 2004

**FUNDING:** Electric Utility Dept.'s 2003-2005 Financial Plan and Budget, Pgs E-4, E-44, E-47  
Business Units 161672 (Streetlight Improvement)  
161674 (Streetlight Standards Upgrade)  
Estimated Cost: \$300,000

James R Krueger, Finance Director

Alan N Vallow, Electric Utility Director

Attachment: Illustration  
Prepared by Joel Harris, Purchasing Officer  
cc: Manager, EUD Engineering and Operations

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

## **CITY OF LODI ELECTRIC UTILITY DEPARTMENT**

### **SPECIFICATIONS**

#### **STEEL STREETLIGHT STANDARD** **30-FT MOUNTING HEIGHT**

##### **1.0 SPECIFICATIONS**

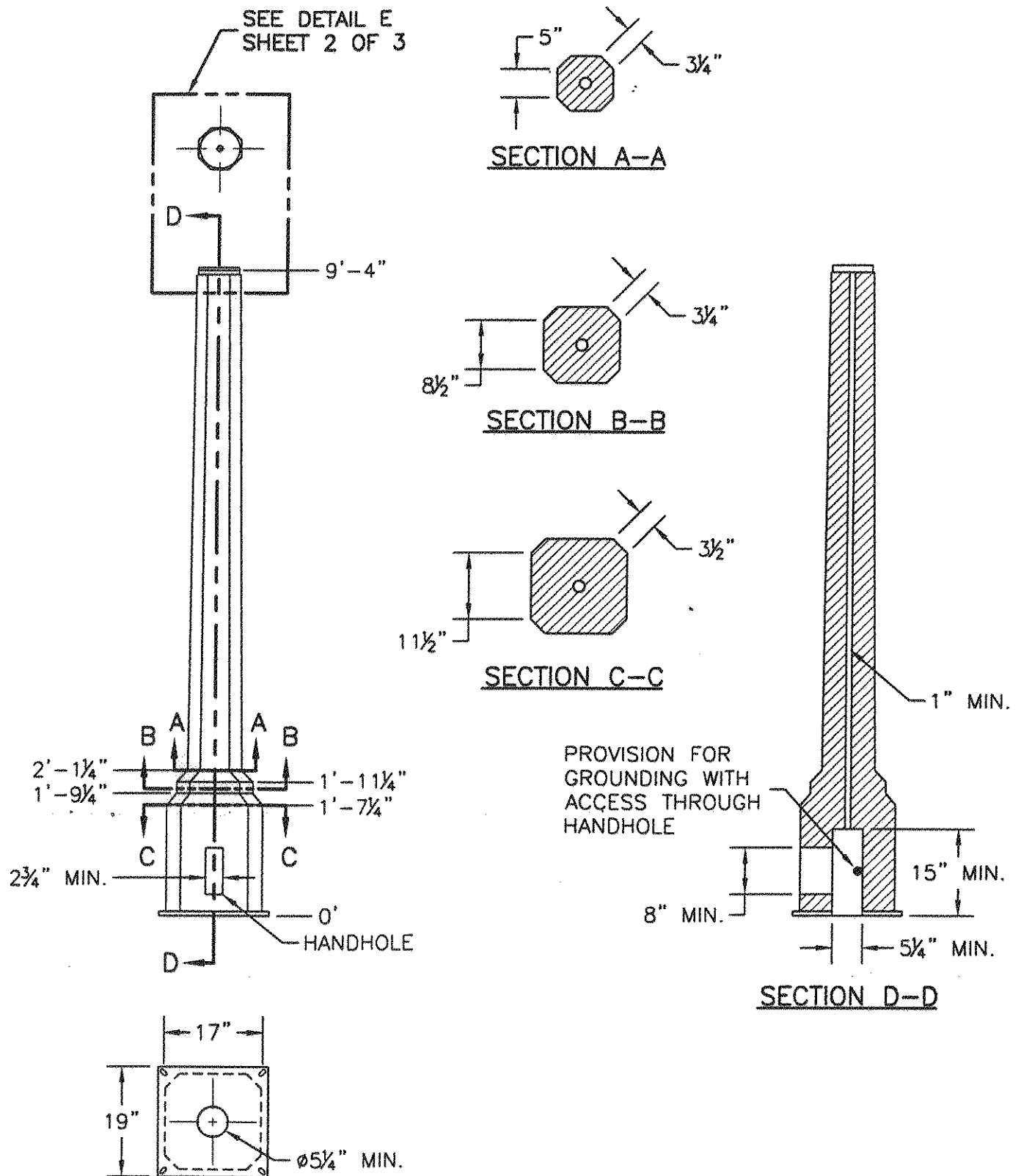
The Steel Standard shall be equivalent in size and shape to the "Valmont" Cat. No. DS50-750A270-8S-GV

The standard shall be/have:

- Round tapered shaft with a welded anchor base plate and welded flange for a bolted arm attachment. The taper (O.D.) of the pole shall range from 7.5" to 3.7", approximately, base to top.
- Hot-dipped galvanized finish per ASTM A123.
- Equipped with a 4" by 6.5", nominal, reinforced rim, handhole located along the vertical centerline of the arm's mounting flange 1' to 2' above the anchor base plate. Handhole shall be free of sharp edges or points. Stainless steel socket flush head cap screws (Allen type) to be supplied with each handhole cover. The handhole cover shall be attached to the pole utilizing two screws, i.e. one top and one bottom of handhole cover as viewed in the installed position.
- Equipped with ground lug accepting #6 AWG copper conductor accessible through the handhole only.
- Supplied with a pole-top cap secured with set screws or set bolts.
- Designed to yield a 30' nominal luminaire mounting height with the specified arm.
- Manufactured with a welded (top and bottom) anchor base plate. The base plate shall be of ASTM A36 steel plate and shall be capable of withstanding full bending moment of the shaft. The base shall accept a bolt circle range from 10" to 11" in diameter, i.e. having a slotted bolt hole.
- Supplied with four (4) hot dipped galvanized L-type anchor bolts, 1" x 36" x 4" and anchor bolt cover. The bolt cover shall be the "full base cover" type having a two-piece assembly secured together with two fasteners.
- Supplied with one 8' long arm. The upsweep (rise) height of the arm shall be 3' nominal. The arm to pole connection shall have a rain-tight fitting and be the bolted type. The arm shall accept a luminaire slip fitter with 1¼" through 2" IPS pipe size range (1.660-2.276 in. O.D.)
- 

##### **2.0 SHIPMENT and DELIVERY**

Poles shall be shipped via flatbed truck. Truck delivery shall be made to the City of Lodi Municipal Service Center, 1331 South Ham Lane, Lodi, California, only during normal receiving hours, 8:00 a.m. - 4:00 p.m., Monday through Friday, excluding holidays. Carrier is required to call 24 hours in advance of delivery for appointment.



Drawing name: M:\DATA\CAD\Standards\Spec\0951\7166-1.dwg Plotted: Jul 26, 2004 - 10:26am

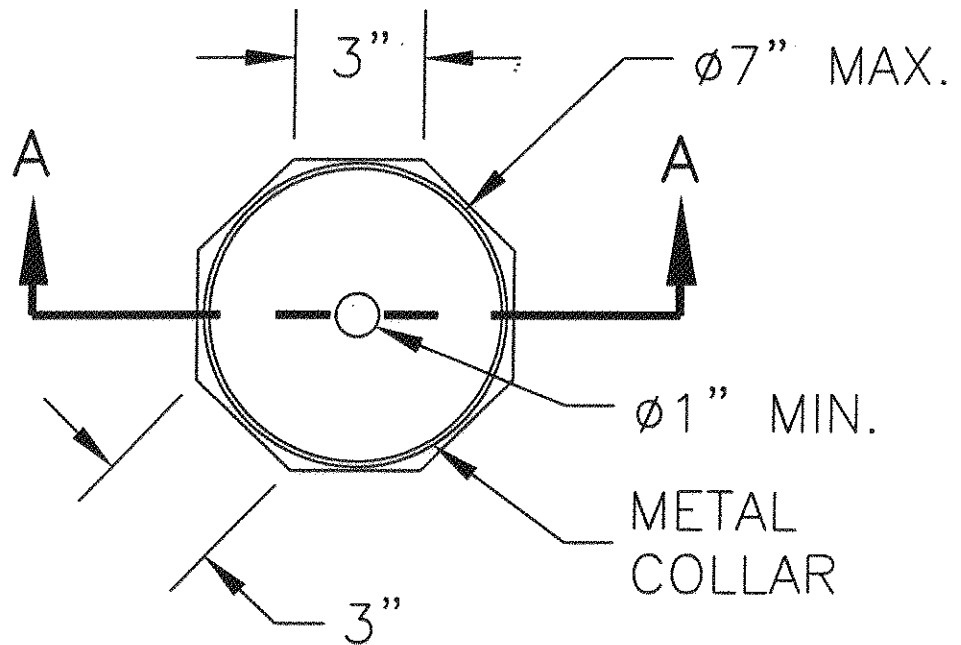


**CITY OF LODI**  
ELECTRIC UTILITY DEPARTMENT

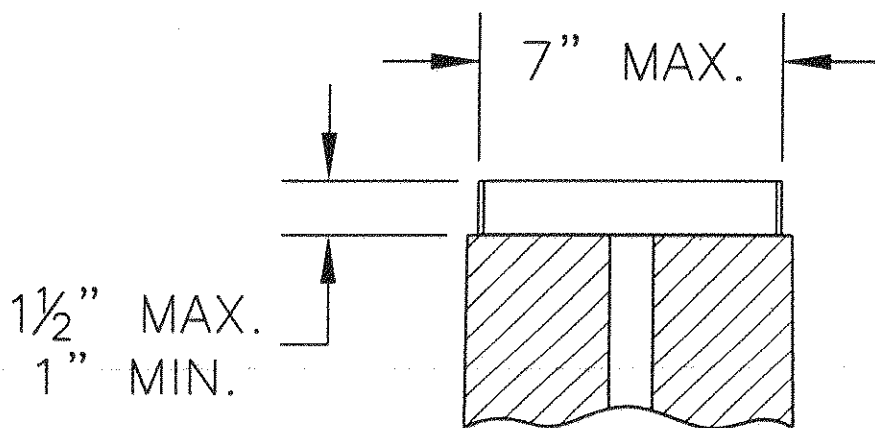
ENGINEERING STANDARD

CONCRETE STANDARD

07/22/04	RT		<i>[Signature]</i>	<i>[Signature]</i>	SHEET 1 OF 3	951 7166
DATE	DRAWN	DESIGNED	CHECKED	APPROVAL	REVISION	



**DETAIL E**



**SECTION A-A**

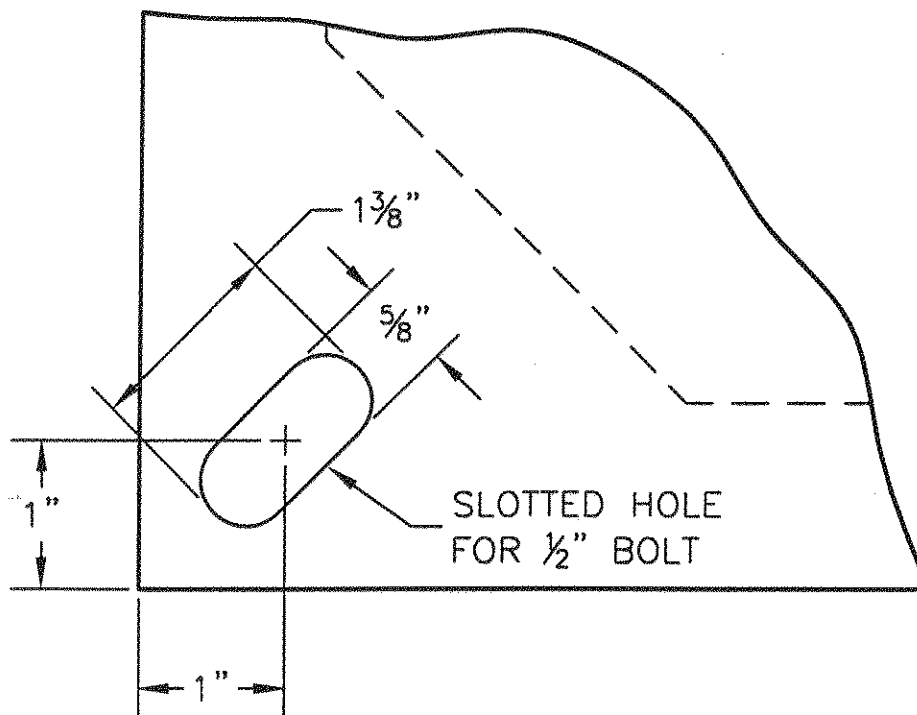
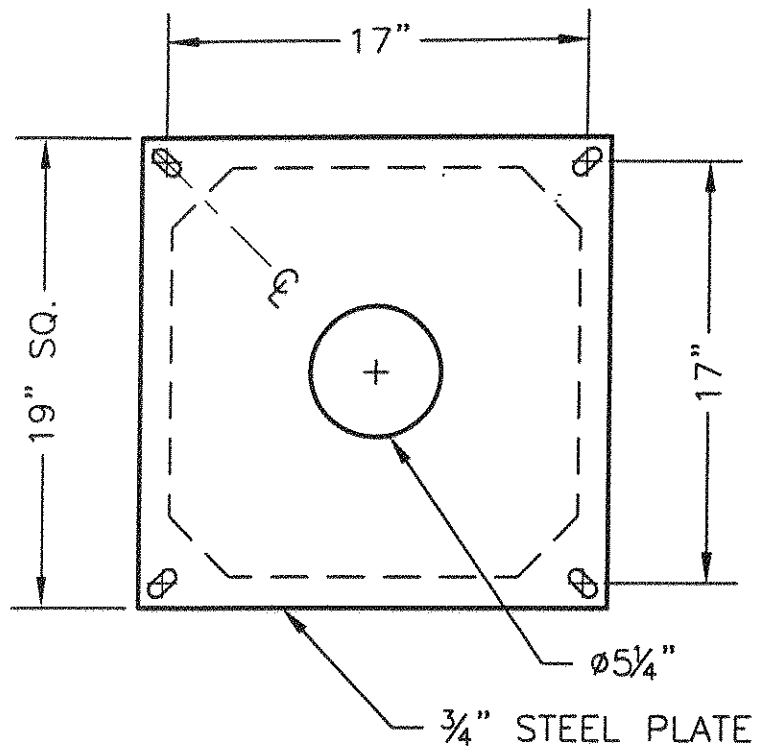
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**CITY OF LODI**  
ELECTRIC UTILITY DEPARTMENT

ENGINEERING STANDARD  
CONCRETE STANDARD

07/22/04	RT		<i>[Signature]</i>	<i>[Signature]</i>	SHEET 2 OF 3	951 7166
DATE	DRAWN	DESIGNED	CHECKED	APPROVAL	REVISION	



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**CITY OF LODI**  
ELECTRIC UTILITY DEPARTMENT

ENGINEERING STANDARD  
CONCRETE STANDARD

07/22/04	RT		<i>HA</i>	<i>W. W. W.</i>	SHEET 3 OF 3	951 7165
DATE	DRAWN	DESIGNED	CHECKED	APPROVAL	REVISION	



RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
SPECIFICATIONS, AUTHORIZING ADVERTISEMENT FOR BIDS FOR  
STEEL STREETLIGHT STANDARDS AND CONCRETE STREETLIGHT  
STANDARDS, AND FURTHER AUTHORIZING THE CITY MANAGER TO  
AWARD OR REJECT BIDS IN AN AGGREGATE AMOUNT UP TO \$300,000  
AS REQUIRED DURING FISCAL YEAR 2004-2005

=====

WHEREAS, the 2003-05 Financial Plan and Budget provides for the purchase of steel streetlight standards and concrete streetlight standards as needed by the Electric Utility Department; and

WHEREAS, steel standards will be needed for the Streetlight Completion Project, and the concrete poles will be used for Streetlight Completion and for system upgrades of the green steel standards in the area within the Main Street/Lodi Avenue/Ham Lane/Lockeford Street boundary; and

WHEREAS, additionally, a small inventory of both types will be maintained for replacement of poles damaged in traffic accidents; and

WHEREAS, staff plans to advertise for bids as required, and as storage space allows. Initial bids will be for 75 concrete standards (estimated cost \$105,000), and for 35 steel standards (estimated cost \$25,000). Follow-up bids will be issued early in 2005.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the specifications, authorizes advertisement for bids for the steel streetlight standards and concrete streetlight standards, and further authorizes the City Manager to award or reject bids in an aggregate amount up to \$300,000 as required during fiscal year 2004-2005.

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize advertisement for bids for the sale of surplus Substation Relay test equipment (EUD)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Electric Utility Director

---

**RECOMMENDED ACTION:** That the City Council authorize advertisement for bids for the sale of Substation Relay test equipment formerly used by the Electric Utility Department.

**BACKGROUND INFORMATION:** On December 4, 2002, the City Council adopted Resolution 2002-245 authorizing the Electric Utility Department to purchase a replacement primary injection test set for use on circuit breakers and transformers in substations.

The new test equipment is now fully deployed, and the old equipment has been declared surplus. It is therefore staff's recommendation that the City Council authorize staff to advertise for sealed bids, or consign the equipment to auction, for the sale of the surplus test set to the highest bidder.

In compliance with City Code Section 2.12.120, the results of the sale will be brought back to Council for Review.

**FUNDING:** None required.  
Estimated Value: \$4,000.

---

Alan N. Vallow  
Electric Utility Director

**PREPARED BY:** Jess Kerekes

ANV/mdw

Attachments

cc: Manager, EUD Engineering and Operations

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt a resolution awarding the purchase of three 15kV 600-amp horizontal sidebreak pole-top switches to the low bidder, Inertia Engineering of Stockton (\$5,799.11) (EUD)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution awarding the purchase of three 15kV 600-amp horizontal sidebreak pole-top switches to the low bidder, Inertia Engineering of Stockton, in the amount of \$5,799.11.

**BACKGROUND INFORMATION:** The Electric Utility Department on July 15 issued a work order to construct necessary line extensions at the White Slough wastewater facility under the Department's "fast-track" program. The work order required 45 different items of overhead hardware, including three horizontal sidebreak pole-top switches (see illustration, Exhibit A). Because of the time constraints, requests for informal bids for the three switches were sent to the two approved suppliers, Western States Electric, Portland, Oregon (representing Cooper Power Systems of Milwaukee, WI), and Inertia Engineering of Stockton. Bidders were asked to respond by July 20.

The following bids were received on July 20, 2004:

Inertia Engineering, Stockton	\$5,799.11
Western States Electric, Portland (Cooper Power)	\$5,850.83

Lodi City Code §3.20.070 allows for dispensation of the formal bid procedure when the City Council determines that an alternative method of purchase is in the City's best interest. Because the project's "fast-track" scheduling required expedited delivery of construction materials, and only two suppliers have been qualified by the department to provide these switches, informal bids were requested from the two approved suppliers. Thus, it is staff's recommendation that the City Council award the purchase to the lower bidder, Inertia Engineering, under provisions of LCC §3.20.070.

**FUNDING:** Electric Utility Dept 2003-2005 Financial Plan and Budget, Page E-41, Business Unit 161651 (Line Extensions)

James R Krueger, Finance Director

Alan N Vallow, Electric Utility Director

Attachment: Illustration  
Prepared by Joel Harris, Purchasing Officer  
cc: Manager, EUD Engineering and Operations

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

**INERTIA™**  
ENGINEERING & MACHINE WORKS, INC.

# LineBOSS™

15 kV-35 kV Sidebreak Type,  
Unitized GOAB Switch

## GENERAL

The LineBOSS™ Sidebreak switch is the most robust, yet elegant sidebreak switch in the market today. Every LineBOSS™ component brings meaningful operator benefits for years to come. Features such as 1/4 inch steel phase base, stainless steel to brass bearings, silver plated copper reverse loop contacts and busbar blades mean efficient and smooth operation over a very long life, even in hostile environments where dust, humidity, corrosives and other industrial or natural contaminants play havoc with most. You'll be amazed with how much switch you can buy for the money.

*Inertia- moving power with passion and innovation!*

## SPECIFICATIONS

### Switch Ratings:

Continuous Current Class: 600, 900, 1200 Amps

Fault Close: 20 kA rms-asym: 5 X  
30 kA rms-asym: 2 X  
27 kV (phase - phase)

Momentary current to: 70 kA rms, 1 second  
44 kA rms, 3 seconds

Ice breaking: 3/4" (manual operation)

Mechanical: 25,000 cycles (open/close)

Tested in accordance with IEEE Std. C37.34-1994  
ANSI/IEEE Std. 37.71-1984 and IEC Std. 265-1, 1983.

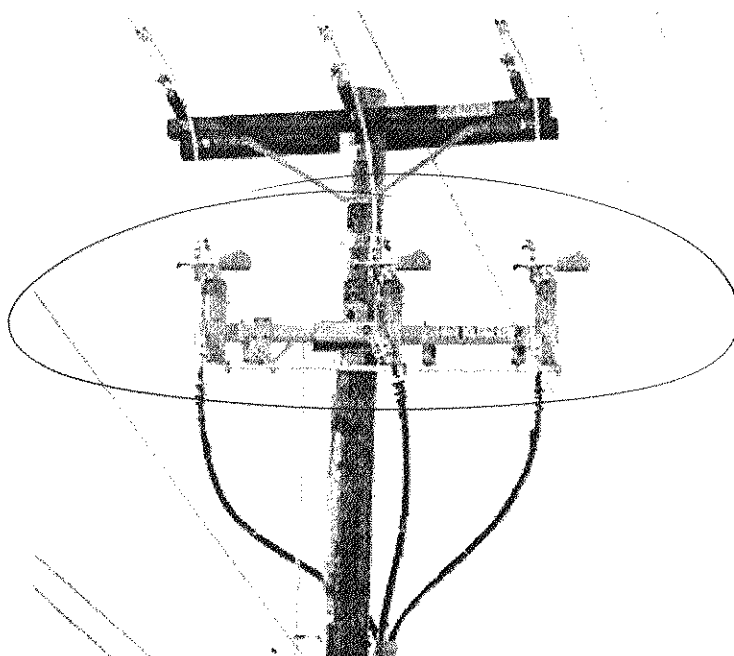
USDA Rural Utilities Service (RUS); Fully Accepted

### Loadbreak Devices:

Arc Horns  
Quickbreak Whip Attachments  
Arc Chute Load Break  
AmpRupter Load Break  
AmpVac Load Break

\*See data sheet "AIR-BREAK DISCONNECT SWITCH  
ATTACHMENT SELECTION INFORMATION" for loadbreak  
descriptions and specifications (page 2.13 - 2.14)

ACCC Designation DO6  
Loadability factor 1.22 at 25 Deg. C.  
(not applicable to loadbreak devices)



### Crossarm Ratings:

All materials: for equal loading on each side of  
the switch, the working load is 12,000 lbs/phase.

Crossarm Material	Dead end Loading
Galvanized Steel (standard duty)	2000 lbs.
Galvanized Steel (heavy duty)	6000 lbs.
Aluminum (standard duty)	1500 lbs.
Aluminum (heavy duty)	3000 lbs.
Fiberglass (standard duty)	1000 lbs.
Fiberglass (heavy duty)	2500 lbs.

### STANDARD FEATURES

- Resilient, higher BIL silicone rubber insulators
- Reverse loop silver plated copper jaw contacts
- Maintenance free stainless steel/bronze bearings
- Unitized construction: aluminum, steel or fiberglass
- Factory adjusted, ready to mount
- Meets all applicable NEMA and ANSI standards
- All ferrous components are hot dip galvanized
- Tinned copper terminal pads

### STANDARD CONFIGURATIONS

- Horizontal (upright)
- Delta (pole top)
- Vertical (phase over phase)
- Riser
- Underarm Horizontal

See opposite side of this page for illustrations and selection.

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING  
THE BID FOR THE PURCHASE OF THREE 15KV 600-AMP  
HORIZONTAL SIDEBREAK POLE-TOP SWITCHES

=====

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, on July 15, 2004, the Electric Utility Department issued a work order to construct necessary line extensions at the White Slough wastewater facility under the Department's "fast-track" program. The work order required 45 different items of overhead hardware, including three horizontal sidebreak pole-top switches; and

WHEREAS, because the project's "fast-track" scheduling required expedited delivery of construction materials, and only two suppliers have been qualified by the department to provide these switches, informal bids were requested from the two approved suppliers. The following bids were received on July 20, 2004:

Inertia Engineering, Stockton	\$5,799.11
Western States Electric, Portland (Cooper Power)	\$5,850.83

WHEREAS, staff recommends that the City Council award the purchase of three 15kV 600-Amp Horizontal Sidebreak Pole-top Switches to the low bidder, Inertia Engineering, of Stockton, California in the amount of \$5,799.11.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the bid for the purchase of three 15kV 600-Amp Horizontal Sidebreak Pole-top Switches, to Inertia Engineering, of Stockton, California, in the amount of \$5,799.11.

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt a Resolution to Award Contract for Services to J&D Auto Body Inc. to Provide Towing Service for Vehicle Abatement From Public and Private Property

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council adopt the Resolution to award the contract for services to J&D Auto Body, Inc., Lodi, to provide towing services for vehicle abatement from public and private property.

**BACKGROUND INFORMATION:** The Community Development Department and the Lodi Police Department administer a contract for towing services which is utilized by Community Improvement Division for vehicle abatement from private property and by the LPD Partners Unit for vehicle abatement from the public right-of-way, under Lodi Municipal Code § 10.56.010 and 10.56.020.

The previous contract was held by Plummer Towing, Lodi. That contract, which was due for renewal later this year, was summarily terminated at the request of the Contractor. In response to that, a Request for Proposals was sent out to towing companies in the Stockton, Lodi and Galt areas. From that, only one proposal was received, from J&D Auto Body, Lodi.

That proposal was to provide towing services in accordance with the provisions of the contract and Vehicle Removal Agreement and the proposed service provider appears to meet the basic requirements in order to qualify to provide the services.

The proposal from J&D Auto Body offers to remove and dispose of vehicles, for the most part, at no cost to the City. The proposal does identify that there are a limited number of disposal options available for certain vehicles and their contents and that the elements involved in abating and disposing of those vehicles that place upon the tow company an undue expense that cannot be recouped by the sale of automotive salvage. In Addendums to the proposal, J&D Auto Body clarifies that when either overweight or unusual vehicles are encountered, they will remove and dispose of the vehicles through a sub-contractor, and that charges billed to J&D Auto Body by that subcontractor, will in turn be billed to the City at the invoiced rate plus a 10% Administrative Fee.

Those costs however, are subject to reimbursement through the City's participation and membership in the San Joaquin County Vehicle Abatement Service Authority, which provides funding to jurisdictions throughout the County, based upon their population and the number of vehicles abated each year. Therefore, there will be no direct impact on the General Fund for any costs incurred through this Vehicle Abatement Contract.

The Term of the Agreement shall be for a period of three (3) years. The Agreement may be further extended for a period of not more than two (2) additional years, for a total term of five (5) years at the sole and exclusive option of the City. A copy of the Agreement is available at the City Clerk's Office.

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

**FUNDING:** Vehicle Abatement Service Authority Revenue Fund

---

James R. Krueger, Finance Director

Konradt Bartlam  
Community Development Director

Jerry Adams  
Chief of Police

cc: Jeanie Biskup, Police Volunteer Coordinator

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING CONTRACT FOR TOWING  
SERVICES FOR VEHICLE ABATEMENT

=====

WHEREAS, in answer to Request for Proposals for towing services for vehicle abatement under Lodi Municipal Code §§10.56.010 and 10.56.020, one proposal was received; and

WHEREAS, that proposal was received from J&D Auto Body, Inc., of Lodi, California; and

WHEREAS, proposals were to provide towing services in accordance with the provisions of the contract and Vehicle Removal Agreement, and the sole bidder, J&D Auto Body, Inc., appears to meet the basic requirements in order to qualify to provide the services; and

WHEREAS, staff recommends that J&D Auto Body, Inc. of Lodi, California be awarded the contract for towing services for Vehicle Abatement in the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the contract for towing services for vehicle abatement be awarded to J&D Auto Body, Inc., of Lodi, California.

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Amendment to the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Public Works Director

---

**RECOMMENDED ACTION:** That Council approve an amendment to the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement.

**BACKGROUND INFORMATION:** The City has participated in the Northeastern San Joaquin County Groundwater Banking Authority (GBA) since its inception in 2001. This joint powers authority was formed as a successor to the East San Joaquin Parties Water Authority to further plan and set in motion projects to enhance our groundwater basin.

The GBA Board has recommended an amendment to the agreement that 1) adds the California Water Service Company as a member, and 2) extends the sunset date to June 30, 2006. Staff is in support of this recommendation. Copies of the amendments and the current agreement are attached.

**FUNDING:** Water Fund (none needed for this action)

---

Richard C. Prima, Jr.  
Public Works Director

RCP/pmf

Attachment

cc: Frank Beeler, Assistant Water/Wastewater Superintendent  
Wally Sandelin, City Engineer

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

GBA MEMBERS  
SAN JOAQUIN COUNTY  
CITY OF LODI  
CITY OF STOCKTON  
STOCKTON EAST WATER DISTRICT  
WOODBRIDGE IRRIGATION DISTRICT  
CENTRAL SAN JOAQUIN  
WATER CONSERVATION DISTRICT  
NORTH SAN JOAQUIN  
WATER CONSERVATION DISTRICT  
CENTRAL DELTA WATER AGENCY  
SOUTH DELTA WATER AGENCY

## NORTHEASTERN SAN JOAQUIN COUNTY GROUNDWATER BANKING AUTHORITY

P.O. BOX 1810  
1810 EAST HAZELTON AVENUE  
STOCKTON, CALIFORNIA 95201  
(209) 468-3089  
(209) 468-2999/FAX

JACK SIEGLOCK  
CHAIRMAN

TOM FLINN  
SECRETARY

# RECEIVED

JUL - 6 2004



CITY OF LODI  
PUBLIC WORKS DEPARTMENT

July 2, 2004

Mr. Richard Prima  
City of Lodi  
221 West Pine Street  
Lodi, California 95241

SUBJECT: JOINT POWERS AGREEMENT AMENDMENTS - GOVERNING BOARD AND  
EXTENSION REVISIONS

Dear Mr. Prima:

Over the past several years, the Northeastern San Joaquin County Groundwater Banking Authority (GBA) has provided a consensus-based forum of local public water interests to work cooperatively with one voice to study, investigate, and plan locally supported Water Resource projects in the northeast County. At times, it has been necessary to amend the original Joint Exercise of Powers Agreement to make changes according to requests of the GBA. Of late, two issues have arisen including the addition of California Water Service Company as an official board member through the City of Stockton and the extension of the Joint Exercise of Powers Agreement through June 30, 2006.

At the GBA's regularly scheduled meetings in May and June, discussions took place and unanimous motions were made to approve of this change in the governing board structure and to extend the Joint Exercise of Powers Agreement. In order to finalize these amendments to the Joint Exercise of Powers Agreement, could you please have this item reviewed by your respective board and returned to me with approved signatures by the next GBA Board Meeting on August 11, 2004. Also on that day, the San Joaquin County Groundwater Banking Authority will hold the Public Hearing to adopt the Eastern San Joaquin Groundwater Basin Management Plan. We encourage your attendance for this important event.

Should you have any questions or concerns, please contact me at (209) 468-3089.

Sincerely,

MEL LITTLE, Ph.D.  
Water Resource Coordinator

ML:RV:ll  
WR-4G001-L1-LTR

Attachment

c: Jack A. Sieglock, Chairman of Groundwater Banking Authority Board  
Stan Ferraro, California Water Service Company  
Joe Peterson, San Joaquin Farm Bureau  
T. R. Flinn, Director of Public Works  
Tom Gau, Deputy Director/Development

**Attachment A**

**Amendment**

**A-04-1**

**AMENDMENT AND EXTENSION  
TO THE NORTHEASTERN SAN JOAQUIN COUNTY  
GROUNDWATER BANKING AUTHORITY  
JOINT EXERCISE OF POWERS AGREEMENT**

**Article III  
GOVERNING BODY**

**Section 3.01. Governing Board.**

- (a) The governing body of the Authority shall be a Board of Directors ("Board") which shall consist of 10 voting Directors who shall be appointed as follows:
  - (1) A representative of the governing body of each Member as appointed by the Member entities.
  - (2) A representative of the following private water purveyors or investor owned utilities, as appointed by the City of Stockton:

California Water Service Company

- (b) Prior to the appointment to the Board of the Directors described in subsection (a)(2) above, those represented entities shall submit a recommendation for appointment to the appointing authority. The appointing authority shall give consideration to such recommendations, but shall retain the absolute discretion to appoint any person satisfying the criteria for appointment.
- (c) The Members shall appoint one or more persons with the required qualifications to serve as alternate Directors of the Board in the same manner as the Director is appointed by the Members. Any such alternates shall be empowered to cast votes in the absence of the regular Directors or, in the event of a conflict of interest preventing the regular Director from voting, to vote because of such a conflict of interest.

**Article VI  
ASSOCIATE MEMBERSHIP**

**Section 6.01.** The San Joaquin County Farm Bureau may be an associate member of the Authority with a representative serving as an associate member on the Board of the Authority. Associate members shall be entitled to participate in the meetings and discussions of the Board but associate members shall not have the power to vote on any action to be taken by the Authority or to become an officer or Director of the Authority.

**ARTICLE VIII**  
**TERM; WITHDRAWAL;TERMINATION**

**Section 7.01. Term.** The Members hereby agree to extend the Joint Powers Agreement, establishing the Northeastern San Joaquin County Groundwater Banking Authority, which terminates on June 30, 2004, until June 30, 2006.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment and Extension Agreement to be executed on the day and year set opposite the name of the parties.

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
of the San Joaquin County Flood  
Control and Water Conservation District

SAN JOAQUIN COUNTY FLOOD  
CONTROL AND WATER CONSERVATION  
DISTRICT

By \_\_\_\_\_ (SEAL)  
Deputy Clerk

By \_\_\_\_\_  
LEROY ORNELLAS, Chairman  
Board of Supervisors

“COUNTY DISTRICT”

ATTEST:

CITY OF STOCKTON, a municipal  
corporation of the State of California

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

“STOCKTON”

ATTEST:

CITY OF LODI, a municipal corporation  
of the State of California

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title \_\_\_\_\_

“LODI”

ATTEST:

STOCKTON-EAST WATER DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

“SEWD”

ATTEST:

CENTRAL SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By : \_\_\_\_\_

Title: \_\_\_\_\_

“CENTRAL”

ATTEST:

WOODBIDGE IRRIGATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

“WOODBIDGE”

ATTEST:

NORTH SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

“NSJWCD”

ATTEST:

CENTRAL DELTA WATER AGENCY

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

“CENTRAL DELTA”

ATTEST:

SOUTH DELTA WATER AGENCY

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

“SOUTH DELTA”

APPROVED AS TO FORM:  
TERRENCE R. DERMODY  
County Counsel

By \_\_\_\_\_

County Counsel

## **Attachment B**

# **Joint Exercise of Powers Agreement Northeastern San Joaquin County Groundwater Banking Authority**



**AMENDED AND RESTATED  
JOINT EXERCISE OF POWERS AGREEMENT  
NORTHEASTERN SAN JOAQUIN COUNTY  
GROUNDWATER BANKING AUTHORITY**

THIS AGREEMENT is made by and among the San Joaquin County Flood Control and Water Conservation District ("County District"), the City of Stockton ("Stockton"), the City of Lodi ("Lodi"), Stockton-East Water District ("SEWD"), Central San Joaquin Water Conservation District ("Central"), Woodbridge Irrigation District ("Woodbridge"), North San Joaquin Water Conservation District ("NSJWCD"), Central Delta Water Agency ("Central Delta") and South Delta Water Agency ("South Delta") collectively called the "Members". The Members hereby agree as follows:

**ARTICLE I  
GENERAL PROVISIONS**

Section 1.01. Creation of Authority. Pursuant to Government Code Section 6500 et seq. there is hereby created a public entity to be known as the "Northeastern San Joaquin County Groundwater Banking Authority" which shall be a public entity separate and apart from the Members, and shall administer this Agreement.

Section 1.02. Purpose. The purpose of this Agreement is to provide a consensus-based forum of public water interests concerning Northeastern San Joaquin County that will work cooperatively with unanimity toward achieving the goal as defined in Section 1.03 and speak on behalf of the Members with one voice.

Section 1.03. Goal. The long-term goal of the Authority is to facilitate the development of locally supported groundwater banking projects that improve water supply reliability in Northeastern San Joaquin County and to provide benefits to project participants and San Joaquin County as a whole. The Authority's short-term goals are as follows:

- (a) To participate in the design and implementation of the Freeport Regional Diversion Project so as to provide benefits to project participants and San Joaquin County.
- (b) To create an entity with the power to finance and construct specific projects.
- (c) To apply for grant funding to support the activities of the Authority.

## ARTICLE II POWERS

Section 2.01. Powers. The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers including, but not limited to the making and entering into contracts.

Section 2.02. Restrictions on Exercise of Powers. The powers of the Authority shall be exercised in the manner provided in Government Code Section 6509 and to the restrictions upon the manner of exercising such powers that are imposed upon the County District in the exercise of similar powers.

## ARTICLE III GOVERNING BODY

Section 3.01. Governing Board. The Authority shall be administered by a Board of Directors ("Board"), one appointed by each of the Member entities with a designation of two alternative Directors to serve as a replacement for the appointed Director as needed, to serve at the pleasure of their appointive governing body. The Board shall be called the "Northeastern San Joaquin County Groundwater Banking Authority Board". All voting power of the Authority shall reside in the Board.

Section 3.02. Meetings of the Board. The Board shall provide for calling and conducting its regular meetings and special meetings, in accordance with Government Code Section 54950 et seq.

Section 3.03. Minutes. The Secretary shall cause to be kept summary minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause of copy of the summary minutes to be forwarded to each Director and to each of the Members.

Section 3.04. Voting. Each Director shall have one vote.

Section 3.05. Quorum; Required Votes; Approval. A quorum of the Board for the convening of any meeting shall consist of a majority of all Directors, or designated alternative Director. An affirmative vote of at least a majority of all Directors, or designated alternative Director shall be required for any action of the Board. Five votes shall be required to pass any action of the Board

Section 3.06. Bylaws. The Board may adopt, from time to time, such bylaws and regulations for the conduct of its meetings as are necessary for the purposes hereof.

## ARTICLE IV OFFICERS AND EMPLOYEES

Section 4.01. Chair, Vice-Chair, and Secretary. The Board member from the County District shall be the Chair and in the Board member's absence the alternate member from County District shall act as Chair. The Board shall elect a Vice-chair from among the Directors. The

Vice-chair shall serve at the pleasure of the board, shall perform the duties normal to said office, and

- A. The chair shall sign all contracts authorized by the Board and shall represent the Board as directed by the Board and perform such other duties as may be imposed by said Board;
- B. The vice-chair shall act, sign contracts and perform all of the chair's duties in the absence of the chair; and
- C. The San Joaquin County Director of Public Works shall be the Secretary and provide staff to the Authority. The Secretary shall countersign all contracts signed by the chair or vice-chair on behalf of the Authority, perform such other duties as may be imposed by the Board.

Section 4.02. Treasurer and Auditor.

A. The County Treasurer shall be the depository, shall have custody of all the money of the Authority from whatever source, and shall have the duties and obligations of the Treasurer as set forth in Government Code Sections 6505 and 6505.5. The County Treasurer shall be responsible for receiving quarterly reports from the Secretary and verifying the balance of this report with respect to the balance as maintained by the records of the County Auditor.

B. The County Auditor shall have the duties and obligations of the Auditor set forth in Government Code Sections 6505 and 6505.5. The County Auditor shall assure strict accountability of all receipts and disbursements of the Authority and shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Authority.

Section 4.03. Officers in Charge of Records; Funds; and Accounts. Pursuant to Government Code Section 6505.1, the County Treasurer shall have charge of, handle and have access to all accounts, funds and money of the Authority and all records of the Authority relating thereto; and the Secretary shall have charge of, handle and have access to all other records of the Authority.

Section 4.04. Employees and Consultants. The Board may make recommendations to the County District for the employment of employees or consultants to provide services to the Authority to accomplish the purposes of the Authority. The County District may employ employees and consultants and may execute contracts, supervise and direct, and provide payment for such employees and consultants.

ARTIVLE V  
ACCOUNTS AND REPORTS: FUNDS

Section 5.01. Accounts and Reports. The County Auditor shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times by the public and representatives of the Members. The Auditor, within 120 days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to the Members.

Section 5.02. Funds. The County Treasurer shall receive, have the custody of and disburse Authority funds on warrants drawn by the County Auditor as nearly as possible in accordance with generally accepted accounting practices, shall make the disbursements required by this Agreement, or to carry out any of the provisions or purposes of this Agreement.

Section 5.03. Annual Budget. The County District shall adopt a budget for the Authority. The Authority Board may make recommendations to the County District concerning the budget. The County District shall provide funds as set forth in the adopted budget which shall be limited to planning activities when using Zone 2 funds. Other members shall make contributions which shall be included in the budget adopted by the County District.

Section 5.04. Intention for Reimbursement for Expenditures From Bond Proceeds. It is the intention of the Members that the advancement of monies by any Members for the expenses of the operational needs of the Authority may be reimbursed from the proceeds of bonds, if issued, for the water development projects undertaken by the Authority or by its successor organization, by vote of the Board.

ARTICLE VI  
ASSOCIATE MEMBERSHIP

Section 6.01. California Water Service Company and the Farm Bureau. CalWater and the Farm Bureau may be associate members of the Authority with one position each on the Board of Directors of the Authority. The associate members shall be entitled to participate in the meetings and discussions of the Board but the associate members shall not have the power to vote on any action to be taken by the Authority or to become an officer or Director of the Authority.

ARTICLE VII  
CONTEMPLATED PROJECT

It is contemplated that some or all of the Members will enter into subsequent agreements for the construction, operation, and maintenance of a project. Participation in this agreement is not a firm commitment by any individual Member to enter into a groundwater banking project.

ARTICLE VIII  
TERM; WITHDRAWAL; TERMINATION

Section 7.01. Term. This Agreement shall become effective as of the date hereto and shall continue in full force and effect until June 30, 2003.

Section 7.02. Withdrawal of Member. A Member may terminate its Membership in the Authority at any time upon giving written notice of the withdrawal to the Authority.

Section 7.03. Disposition of Assets. Upon termination of this Agreement, all remaining net assets of the Authority, both real and personal, shall be transferred to the County District.

ARTICLE IX  
MISCELLANEOUS PROVISIONS

Section 8.01. Amendments. This Agreement may be amended by unanimous consent of the Member agencies at any time, or from time to time.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year set opposite the name of the parties.

ATTEST: LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
of the San Joaquin County Flood  
Control and Water Conservation District

By Carol M. Garcia  
Deputy Clerk



SAN JOAQUIN COUNTY FLOOD  
CONTROL AND WATER CONSERVATION  
DISTRICT

By Victor Moya  
Chairman  
Board of Supervisors  
"COUNTY DISTRICT"

ATTEST:

[Signature]  
CLERK

CITY OF STOCKTON, a municipal  
corporation of the State of California

By: [Signature]  
Title: City Manager  
"STOCKTON"

APPROVED AS TO FORM

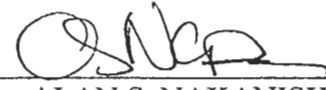
CITY ATTORNEY  
BY [Signature]  
Deputy City Attorney

June 27, 2001

ATTEST:

CITY OF LODI, a municipal corporation  
of the State of California

  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

By:   
\_\_\_\_\_  
ALAN S. NAKANISHI  
Title: MAYOR  
\_\_\_\_\_

“LODI”

ATTEST:

STOCKTON-EAST WATER DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_  
Title: \_\_\_\_\_

“SEWD”

ATTEST:

CENTRAL SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By : \_\_\_\_\_  
Title: \_\_\_\_\_

“CENTRAL”

ATTEST:

WOODBIDGE IRRIGATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_  
Title: \_\_\_\_\_

“WOODBIDGE”

ATTEST:

CITY OF LODI, a municipal corporation  
of the State of California

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"LODI"

ATTEST:

STOCKTON-EAST WATER DISTRICT

*Eric M. Hoffer*  
CLERK 7-3-01

By: *Andrew Watkins*

Title: PRESIDENT

"SEWD"

ATTEST:

CENTRAL SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"CENTRAL"

ATTEST:

WOODBIDGE IRRIGATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"WOODBIDGE"

ATTEST:

CITY OF LODI, a municipal corporation  
of the State of California

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title \_\_\_\_\_

"LODI"

ATTEST:

STOCKTON-EAST WATER DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"SEWD"

ATTEST:

CENTRAL SAN JOAQUIN WATER  
CONSERVATION DISTRICT

  
\_\_\_\_\_  
CLERK

By:  \_\_\_\_\_

Title: President

"CENTRAL"

ATTEST:

WOODBIDGE IRRIGATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"WOODBIDGE"



ATTEST:

CITY OF LODI, a municipal corporation  
of the State of California

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"LODI"

ATTEST:

STOCKTON-EAST WATER DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"SEWD"

ATTEST:

CENTRAL SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"CENTRAL"

ATTEST:

WOODBIDGE IRRIGATION DISTRICT

  
\_\_\_\_\_  
CLERK

By: Anders Christensen

Title: Anders Christensen, Secretary

"WOODBIDGE"

ATTEST:

CLERK

NORTH SAN JOAQUIN WATER  
CONSERVATION DISTRICT

By: Fred Weylert

Title: President

"NSJWCD"

ATTEST:

CLERK

CENTRAL DELTA WATER AGENCY

By: \_\_\_\_\_

Title: \_\_\_\_\_

"CENTRAL DELTA"

ATTEST:

CLERK

SOUTH DELTA WATER AGENCY

By: \_\_\_\_\_

Title: \_\_\_\_\_

"SOUTH DELTA"

APPROVED AS TO FORM:

TERRENCE R. DERMODY

County Counsel

By

MICHAEL McGRÉW

Assistant County Counsel

ATTEST:

NORTH SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

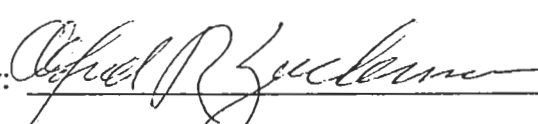
Title: \_\_\_\_\_

"NSJWCD"

ATTEST:

CENTRAL DELTA WATER AGENCY

  
\_\_\_\_\_  
CLERK

By:   
Title: PRESIDENT

"CENTRAL DELTA"

ATTEST:

SOUTH DELTA WATER AGENCY

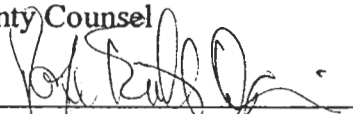
\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"SOUTH DELTA"

APPROVED AS TO FORM:  
TERRENCE R. DERMODY  
County Counsel

By:   
\_\_\_\_\_  
MICHAEL MCGREW  
Assistant County Counsel

ATTEST:

NORTH SAN JOAQUIN WATER  
CONSERVATION DISTRICT

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_

Title: \_\_\_\_\_

"NSJWCD"

ATTEST:

CENTRAL DELTA WATER AGENCY

\_\_\_\_\_  
CLERK

By: \_\_\_\_\_


Title: \_\_\_\_\_

"CENTRAL DELTA"

ATTEST:

SOUTH DELTA WATER AGENCY

\_\_\_\_\_  
CLERK

By:  \_\_\_\_\_

Title: Chairman

"SOUTH DELTA"

APPROVED AS TO FORM:  
TERRENCE R. DERMODY  
County Counsel

By

  
MICHAEL MCGREW

Assistant County Counsel



## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute an Agreement Between San Joaquin County Data Processing and the City of Lodi Police Department (Estimated Annual Cost \$8,944.00)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** JERRY J. ADAMS, CHIEF OF POLICE

---

**RECOMMENDED ACTION:** City Council adopt the attached Resolution granting permission for the City Manager to Execute an Agreement between Lodi Police Department and San Joaquin County, through its Data Processing Division, for Fiscal Year 2004-2005 to provide data processing services and access to Automated Message Switching/CJIS Systems.

**BACKGROUND INFORMATION:** This is a renewal of the yearly contractual agreement between the City of Lodi and the County of San Joaquin. CJIS is the county-wide computer connection that provides the Police Department with State and Federal computer access. (A copy of that proposed Agreement is attached.)

This data processing service allows the police department to access County warrant information and other criminal justice information housed in the San Joaquin County Data Base. This information is critical to local law enforcement. It is anticipated that our number of transactions with the County computer system will allow us to stay within the monetary parameters approved in the 2004-2005 operating budget.

**FUNDING:** \$8,944.00 (Budget Item 300 Series 101031.7335)

\_\_\_\_\_  
James R. Krueger, Finance Director

\_\_\_\_\_  
Jerry J. Adams  
Chief of Police

JJA:sm

Attachments  
cc: City Attorney

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

CLARK BENNETT  
Director



**COUNTY OF SAN JOAQUIN**  
**Information Systems Division**  
24 South Hunter Street, Room 5  
Stockton, California 95202  
Telephone (209) 468-3940  
Fax (209) 468-2178

June 21, 2004

To Whom It May Concern: ;

Enclosed is an Agreement for providing services to your agency for Fiscal Year 2004-05.  
Please review and sign the Agreement and return the original to me.

A copy of the fully executed Agreement will be sent to you.

Should you have questions, I can be reached at (209) 468-8436.

Sincerely,

A handwritten signature in cursive script that reads "Allison Boese".

Allison Boese  
Senior Office Assistant

Enclosure

## AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2004 by and between the COUNTY OF SAN JOAQUIN, through its Information Systems Division, hereinafter referred to as "COUNTY" and CITY OF LODI, hereinafter referred to as "AGENCY";

### WITNESSETH:

WHEREAS, COUNTY provides services and/or equipment listed in Attachment "A" hereinafter referred to as "COMPUTER SERVICES" to AGENCY; and

WHEREAS, COUNTY has certain computer equipment and is able to provide information services which AGENCY desires to use in its operations;

WHEREAS, COUNTY'S Information Systems Division services offered to AGENCY under this Agreement differs from that provided in previous years and it is necessary to set out the understanding of the parties as to the extent of services and liability for provision of access to the COMPUTER SERVICES for information.

IT IS HEREBY AGREED between the parties as follows:

1. COMPUTER SERVICES FOR ACCESS TO NON-REDUNDANT, NON-FAULT TOLERANT COMPUTER SYSTEMS

The COUNTY shall provide to AGENCY the COMPUTER SERVICES of COUNTY'S Information Systems Division. The parties expressly acknowledge that the Information Systems Division computer systems are non-fault tolerant, non-redundant systems which do not provide continuous access seven (7) days a week and twenty-four (24) hours a day. The computer systems may go down and be unable to provide COMPUTER SERVICES at any time of day or night for undeterminable periods of time and also must be scheduled to be taken down for maintenance and repairs from time to time. Therefore, COUNTY does not represent that the COMPUTER SERVICES provided under this Agreement will enable AGENCY to receive information from the computer systems within any specific time period. AGENCY has considered the express limitations set forth in this Agreement of the COMPUTER SERVICES, together with the needs of AGENCY, and has determined that AGENCY'S business operations require the use of the services set out in this Agreement.

2. COMPENSATION

- a. COUNTY will provide the COMPUTER SERVICES for the estimated annual amount of compensation as shown in Attachment "A". COUNTY shall bill AGENCY only for actual COMPUTER SERVICES provided, one month after COMPUTER SERVICES are provided. AGENCY shall provide full payment to COUNTY of the billed amount by the fifteenth day of the date of billing. In the event payment is not made in accordance with this provision COUNTY may, at its option, terminate the agreement in accordance with the provisions of Paragraph 5.
- b. In the event that the AGENCY's estimated quantities, as indicated in Attachment "A", are exceeded for any reason, County may evaluate and, if necessary, increase the quantities indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. County will notify AGENCY, in writing, no less

than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. AGENCY shall be allowed the option to terminate this agreement in accordance with the provisions of Paragraph 5 in the event of an increase in the estimated annual amount of compensation.

- c. In the event that County's cost of Computer Services are increased due to any reason, County may increase the rate of compensation, as indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. County will notify AGENCY, in writing, no less than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. AGENCY shall be allowed the option to terminate this agreement in accordance with the provisions of Paragraph 5 in the event of an increase in the estimated annual amount of compensation.

3. OPTIONAL SERVICE AND EQUIPMENT

COMPUTER SERVICES under this agreement are limited solely to the ongoing services, systems, and equipment listed in Attachment "A" which are in operation on the effective date of this agreement. Services and/or equipment not covered in this agreement may be provided to AGENCY at COUNTY'S option subject to the following conditions:

- (a) AGENCY must submit a written request for the additional services and/or equipment which has been signed by the appropriate agency official, and
- (b) Additional services, and/or equipment shall be provided at the current rates of compensation and shall be billed as additional items over and beyond the total estimated annual amount compensation designated in this agreement.

Maintenance in connection with the equipment provided under this agreement is included in the rate of compensation for equipment and will not be billed as an additional charge to AGENCY.

4. TERM

The term of this contract shall be one year beginning July 1, 2004 and ending June 30, 2005

5. TERMINATION

- a. This contract may be terminated by either party upon thirty (30) calendar days advance written notice to the other party. Notwithstanding such termination, AGENCY shall compensate COUNTY for the actual COMPUTER SERVICES provided through the date the termination of the contract is effective. If AGENCY fails to timely compensate COUNTY as provided in this contract, AGENCY shall be held liable for the reasonable cost of collecting such compensation including attorneys fees and court costs incurred by COUNTY. In no event shall COUNTY be liable for reimbursing AGENCY for the costs to procure alternative services to those services provided under this Agreement regardless of whether AGENCY or COUNTY initiates termination of the Agreement.
- b. All rental equipment in the possession of AGENCY shall be returned to COUNTY in the same condition as it was delivered to AGENCY, less normal wear and tear. COUNTY shall be compensated by contractor for all loss or damage to said equipment which is not the result of a willful or negligent act by COUNTY and which does not constitute normal wear and tear.

6. INDEMNIFICATION AND HOLD HARMLESS

The AGENCY agrees that it shall indemnify, defend and hold harmless the COUNTY, the members



of its Board of Supervisors, its officers, agents, and employees, from and against all demands, claims, damages, losses, expenses, and costs including attorneys' fees and court costs arising out of and/or resulting from the performance of the activities and services contemplated by this agreement, except for demands, claims, damages, losses, expenses, and costs resulting from the sole and exclusive negligence of the COUNTY, or its agents, or those brought by employees or agents of COUNTY concerning their employment or agency relationship.

7. LIMITATIONS OF LIABILITY

In no event shall COUNTY be responsible for any damage, compensatory, consequential, punitive, or special in the event that the AGENCY is unable to access and/or obtain information from COMPUTER SERVICES of COUNTY. This Agreement shall not be construed to be either a representation or a warranty to AGENCY that it will be able to access and obtain information from the COMPUTER SERVICES at any particular time or within any particular response time. COUNTY does not grant any warranty as to the validity, completeness or usefulness of any information received by AGENCY from the COMPUTER SERVICES. COUNTY shall not be responsible nor liable for the costs to AGENCY to procure alternative services to the services provided for under this Agreement or upon termination of this Agreement by either party.

In the event of errors in COMPUTER SERVICES due to the failure of COUNTY'S equipment, software, circumstances beyond the control of COUNTY, or the failure of COUNTY'S employee(s) to operate the equipment in accordance with COUNTY'S standard operating procedures, or COUNTY'S inability to provide COMPUTER SERVICES due to circumstances beyond its control, COUNTY'S liability shall be limited to either subparagraph (a) or (b) below, either of which will be considered to be AGENCY exclusive remedy:

- (a) The correction of errors of which COUNTY has received written notice and proof or the performance of the service, whichever is the situation; or
- (b) Where such correction or performance of service is not practicable, AGENCY shall be entitled to an equitable credit not to exceed the charges invoiced to AGENCY for that portion of the service which produced the erroneous result or for that portion of the service which could not be performed, whichever is the situation.

COUNTY shall be liable for the loss, destruction or damage to AGENCY supplied materials only if such loss, destruction, or damages was due to the negligence of COUNTY and AGENCY sole remedy shall be COUNTY restoring the same, provided such restoration can be reasonably performed by COUNTY and provided that AGENCY provides COUNTY with all source data necessary for such restoration in similar form to that normally presented to COUNTY under this Agreement.

8. INDEPENDENT CONTRACTOR

The AGENCY, and the agents and employees of AGENCY, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of COUNTY.

9. ASSIGNMENT

Without the written consent of COUNTY, this agreement is not assignable by AGENCY either in whole or in part.

10. TIME OF THE ESSENCE

Time is of the essence in this agreement.

11. MODIFICATIONS

No alteration, variation, or modification of the terms of this contract shall be valid unless made in writing prior to the effective date and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

12. COMPLIANCE WITH LAWS

AGENCY shall comply with the California Fair Employment Practices Act (Labor Code Section 1410, et seq.) and any amendments thereto.

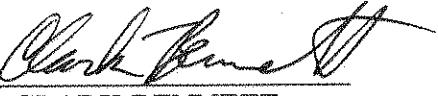
This contract may, at the option of COUNTY, be terminated or suspended in whole or in part in the event AGENCY fails to comply with the nondiscrimination clause of the contract. In the event of termination under this paragraph, COUNTY shall be compensated for goods and services provided to the date of termination. Termination or suspension shall be effective upon receipt of written notice thereof.

13. CONFIDENTIALITY

AGENCY, its employees, officers, and agents shall protect and keep all information and materials obtained through the services of this agreement confidential and from unauthorized use and disclosure. This clause shall not apply to that information which is or becomes a public record subject to the disclosure requirements of the Public Records Act.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first written above.

COUNTY OF SAN JOAQUIN, a  
political subdivision of the State of  
California

By   
CLARK BENNETT  
Information Systems Director

"COUNTY"

CITY OF LODI

By \_\_\_\_\_  
H. Dixon Flynn

Title City Manager

"AGENCY"

APPROVED AS TO FORM:  
TERRENCE R. DERMODY  
County Counsel

APPROVED AS TO FORM:

By   
ROBYN DRIVON  
Assistant County Counsel

\_\_\_\_\_  
D. STEPHEN SCHWABAUER

ATTEST:

\_\_\_\_\_  
SUSAN J. BLACKSTON  
CITY CLERK

**Rate Schedule  
Fiscal Year 2004/2005**

**Computer Services**

Automated Message Switching System Access  
CJIS System Access

<b>Service</b>	<b>Estimated Quantity</b>	<b>Type</b>	<b>Estimated Rate</b>	<b>Estimated Annual Cost</b>	<b>Estimated Total</b>
Telephone Line Charge	12	Month	\$ 66.00	\$ 792.00	
* Special Processing Request	8	Hours	\$ 69.00	\$ 552.00	
Transactions	200,000	Each	\$ 0.038	\$ 7,600.00	
<b>Total Estimated Annual Cost</b>					<b>\$ 8,944.00</b>

\* Special Processing Requests require written authorization specifying work to be performed.

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH  
SAN JOAQUIN COUNTY TO PROVIDE DATA PROCESSING  
SERVICES AND ACCESS TO AUTOMATED MESSAGE  
SWITCHING/CJIS SYSTEMS BY LODI POLICE DEPARTMENT  
FOR FISCAL YEAR 2004-05

=====

WHEREAS, San Joaquin County provides to the City of Lodi access to Automated Message Switching/CJIS Systems; and

WHEREAS, San Joaquin County has certain data processing equipment and is able to provide data processing services, which the City of Lodi desires to use in its operations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to enter into an agreement with San Joaquin County, through its Data Processing Division, for fiscal year 2004-05 to provide data processing services and access to Automated Message Switching/CJIS Systems to the Lodi Police Department, in an amount not to exceed \$8,944.00; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said agreement on behalf of the City of Lodi.

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution to authorize the reallocation of \$294,043.48 of unobligated Community Development Block Grant (CDBG) funds

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council adopt a Resolution authorizing the reallocation of \$294,043.48 of unobligated CDBG funds to various existing CDBG Projects.

**BACKGROUND INFORMATION:** There are a total of eight (8) CDBG Project accounts that have an unobligated balance remaining after the projects have been completed. There are six (6) CDBG Projects that need that additional funding to either be completed, to meet additional needs within the project, or to balance the account.

Due to the needs within our current list of approved CDBG Projects and subrecipients, we are not opening these funds for availability through an open application period or to any of the previously denied applicants. Staff is continuing to work with those applicants that were denied funding to determine whether their projects could be deemed eligible for funding through future reallocations or during our next application period.

This reallocation also allows us to document that we are expending unused funds expeditiously in order to satisfy HUD's requirements to reduce our balance of unused funds that currently exceeds the allowable limit of 1.5x our annual allocation.

The source of and the subsequent distribution of the unobligated funds are as follows:

Project 99-04	Account No. 455775	Eastside Park Improvements	\$157,652.91
---------------	--------------------	----------------------------	--------------

The recent completion of the Lawrence Park Playground was the final approved project to be completed for this allocation. The project costs were substantially lower than expected and additional funding through a State grant created this large unobligated balance.

- *These funds will be reallocated to the 2004/05 Eastside Park Improvements Project 04-01 to provide the funding necessary to complete the Blakely Park Playground and the Hale Park Playground projects that were identified in their original allocation.*

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Project 01-01                      Account No. 457101                      ADA Master Plan for Grape Bowl                      \$ 1,006.02

This represents the remainder from an original allocation of \$25,000 to the Parks & Recreation Dept.

- *These funds will be reallocated to the 2003/04 Eastside Park Improvements Project 03-01 to provide the funding necessary to complete the Lodi LOOK Building project identified in their original allocation.*

Project 01-03                      Account No. 457103                      Armory Park ADA Bleachers                      \$ 319.21

This represents the remainder from an original allocation of \$87,313.21 to the Parks & Recreation Dept.

- *These funds will be reallocated to the 2003/04 Eastside Park Improvements Project 03-01 to provide the funding necessary to complete the Lodi LOOK Building project identified in their original allocation..*

Project 02-01                      Account No. 458201                      Legion/Salas Park                      \$ 5,546.60

This represents the remainder from an original allocation of \$50,000 to the Parks & Recreation Dept.

- *funds will be reallocated to the 2004/05 Eastside Park Improvements Project 04-01 to provide the funding necessary to complete the Blakely Park Playground and the Hale Park Playground projects that were identified in their original allocation.*

Project 02-04                      Account No. 458204                      Stockton Street Streetscape                      \$ 30,000.00

This represents the remainder from an original allocation of \$150,000 to the Public Works Dept.

- *These funds will be reallocated to the 2003/04 Eastside Park Improvements Project 03-01 to provide the funding necessary to complete the Lodi LOOK Building project identified in their original allocation.*

Project 02-15                      Account No. 458215                      Lodi Library Restroom ADA                      \$ 1,000.00

This represents the remainder from an original allocation of \$10,000 to the Public Works Dept.

- *These funds will be reallocated to the 2003/04 Eastside Park Improvements Project 03-01 to provide the funding necessary to complete the Lodi LOOK Building project identified in their original allocation.*

Project 02-16                      Account No. 458216                      Lodi Lake Hand. Accessible Trail                      \$ 94,642.50

This represents the remainder of an original allocation of \$208,239.00 to the Parks & Recreation Dept. The project costs were substantially lower than expected, which left them with a large unobligated balance.

- *\$50,000 of these funds will be reallocated to the 2004/05 Eastside Park Improvements Project 04-01 to provide the funding necessary to complete the Blakely Park Playground and the Hale Park Playground projects that were identified in their original allocation.*
- *\$20,800 of these funds will be reallocated to the 1998/99 Elm Street Parking Lot Project 98-07 to cover the additional costs of the acquisition of one of the parcels of land.*
- *\$13,485 of these funds will be reallocated to the 2000/01 Salvation Army Center of Hope Project 00-08 to replace funds that were taken away from their original allocation for improvements of the facility, while the issue of federal funding to faith-based organizations was being resolved.*
- *\$10,357.50 of these funds will be reallocated to the 2001/02 Eastside Target Area Clean up Project 01-08 to provide additional funding for the continuation of the Pine Street Beautification Project and to initiate a similar effort along the North Church Street Corridor.*

Project 02-17                      Account No. 458217                      Elm Street Property Acquisition                      \$ 3,876.24

This represents the remainder from an original acquisition of \$105,000 for the recent acquisition of the Weber Warehouse property along the railroad tracks, just outside of the Downtown area.

- *These funds will be reallocated to the 2003/04 Eastside Park Improvements Project 03-01 to provide the funding necessary to complete the Lodi LOOK Building project identified in their original allocation.*

**FUNDING:** Community Development Block Grant Funding

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James R. Krueger, Finance Director

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Konradt Bartlam  
Community Development Director

cc: Tony Goehring, Parks & Recreation Director  
Ruby Paiste, Accounting Manager  
Odette Bondoc, Accounting  
Jon Moore, SJC Community Development



RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING  
THE REALLOCATION OF UNOBLIGATED COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO VARIOUS  
EXISTING CDBG PROJECTS (\$294,043.48)

WHEREAS, identified below are eight CDBG Project Accounts that have an unobligated balance remaining following completion of the projects:

Re- Allocate From Project No.	Account No.	Project Name	Remaining Funds	Re- Allocated To Project No.	Project Name
99-04	455775	Eastside Park Improvements	\$157,652.91	04-01	2004/05 Eastside Park Improvements – to be utilized to complete Blakely Park/Hale Park Playgrounds
01-01	457101	ADA Master Plan for Grape Bowl	\$ 1,006.02	03-01	2003/04 Eastside Park Improvements - to be utilized to complete Lodi LOOK Building Project
01-03	457103	Armory Park ADA Bleachers	\$ 319.21	03-01	2003-/04 Eastside Park Improvements – to be utilized to complete Lodi LOOK Building Project
02-01	458201	Legion/Salas Park	\$ 5,546.60	04-01	2004/05 Eastside Park Improvements – to be utilized to complete Blakely Park/Hale Park Playgrounds
02-04	458204	Stockton Street Streetscape	\$ 30,000.00	03-01	2003/04 Eastside Park Improvements – to be utilized to complete Lodi LOOK Building Project
02-15	458215	Lodi Library Restroom ADA	\$ 1,000.00	03-01	2003/04 Eastside Park Improvements – to be utilized to complete Lodi LOOK Building Project
02-16	458216	Lodi Lake Hand. Accessible Trail	\$ 94,642.50	04-01  98-07  00-08   01-08	2004/05 Eastside Park Improvements – to be utilized to complete Blakely Park/Hale Park Playgrounds (\$50,000)  1998/99 Elm Street Parking Lot Project – to cover additional costs of the acquisition of one of the parcels of land (\$20,800).  2000/01 Salvation Army Center of Hope Project – to replace funds that were taken away from their original allocation for improvements of the facility while issue of federal funding to faith-based organizations was being resolved (\$13,485).  2001/02 Eastside Target Area Cleanup Project – to provide additional funding for the continuation of the Pine Street Beautification Project and to initiate a similar effort along the North Church Street Corridor (\$10,357.50).
02-17	458217	Elm Street Property Acquisition	\$ 3,876.24	03-01	2003/04 Eastside Park Improvements – to be utilized to complete the Lodi LOOK Building Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve reallocating funds in the amount of \$294,043.48 to the Projects as outlined above.

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Recognizing San Joaquin County's "Safely Surrendered Baby Campaign" and Designating Fire Stations as New Safe Haven Sites

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Michael E. Pretz, Fire Chief

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**RECOMMENDED ACTION:** That City Council adopts a resolution in support of the San Joaquin County "Safely Surrendered Baby Campaign" and designating all Lodi Fire Stations as new "Safe Haven" sites.

**BACKGROUND INFORMATION:** In January of 2001 California enacted a law that provides for the health and safety of unwanted newborn children. In an effort to safeguard the lives of innocent victims the law allows an individual to confidentially surrender an unharmed newborn (three days old or younger) to any hospital emergency room or other designated safe haven site.

A program titled "No Shame, No Blame, No Name" was begun at the state level in October of 2002. This public awareness program includes the designation of a sign and emblem identifying "Safe Haven" sites. The San Joaquin County Board of Supervisors is initiating this program in the county to inform residents of the Safely Surrendered Baby Law. It is the intent that various fire station locations be identified as safe haven sites.

Signs and public access emergency telephone equipment for each "Safe Haven" site will be provided to the city at no cost. Installation of this equipment at each fire station would be the city's responsibility. Public works personnel could install the hardware and a contractor would be required to connect the communication lines to the Emergency 911.

The signage will identify the four City of Lodi Fire Stations as "Save Haven" sites. An infant that is brought to a fire station would be cared for by fire personnel as an EMS patient and primary considerations are to be given to the care and well being of the child. An ambulance would be dispatched for transporting the child to the hospital. The phone system is a connection to the 911 dispatch center in the event that the fire company is not in the station at the time that an individual brings the infant to the fire station.

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

**FUNDING:** Installation and connection charges have not been determined - will be funded by the Fire Department operating budget.

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Michael E. Pretz  
Fire Chief

MEP/lh

Attachment

cc: D. Stephen Schwabauer, City Attorney

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL INITIATING CITY OF  
LODI'S "SAFELY SURRENDERED BABY CAMPAIGN" AND  
DESIGNATING FIRE STATIONS AS NEW SAFE HAVEN SITES

=====

WHEREAS, on January 1, 2001, California enacted a law that provides for the health and safety of unwanted newborn children, California's Safely Surrendered Baby law; and

WHEREAS, the law allows an individual to confidentially surrender an unharmed newborn three days old or younger at any hospital emergency room or other designated safe haven site without fear of criminal prosecution; and

WHEREAS, a new California campaign unveiled by Governor Gray Davis on October 2, 2002, entitled "No Shame, No Blame, No Names" is aimed at informing the public of the State's Safely Surrendered Baby law; and

WHEREAS, the statewide campaign has adopted a blue-and-white "Safe Haven" emblem, which depicts an infant on an outstretched hand, that will be displayed at legal drop-off sites in California; and

WHEREAS, the State of California has requested that County Boards of Supervisors initiate a "No Shame, No Blame, No Names" campaign in their jurisdiction; and

WHEREAS, the San Joaquin County Board of Supervisors has in turn requested that the City initiate a "No Shame, No Blame, No Names" campaign in Lodi to inform residents of the Safely Surrendered Baby law; and

WHEREAS, the City of Lodi is recognizing various fire station locations as "Safe Havens" for the surrender of newborns 72 hours or younger.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby recognize the following fire station locations as "Safe Havens" for the surrender of newborns 72 hours or younger:

Lodi Fire Station #1	210 W. Elm Street, Lodi, CA 95240
Lodi Fire Station #2	705 E. Lodi Avenue, Lodi, CA 95240
Lodi Fire Station #3	2141 S. Ham Lane, Lodi, CA 95242
Lodi Fire Station #4	180 N. Lower Sacramento Road, Lodi, CA 95242

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Task Order Amendment for West Yost & Associates for Sphere of Influence Surrounding White Slough Facility (\$21,500)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council approve a task order amendment for West Yost & Associates for the sphere of influence studies and environmental documents surrounding White Slough Facility.

**BACKGROUND INFORMATION:** The City has received significant comments on the White Slough Sphere of Influence Environmental Impact Report, and our consultants are preparing responses. In addition, our consulting team and outside counsel, KTMG, has responded to comments on the City of Stockton's proposed sphere of influence amendment.

These "projects" have resulted in additional costs and a task order amendment from West Yost & Associates for the White Slough Sphere of Influence (copy attached). The costs of responding to the City of Stockton's proposed sphere should be under \$10,000.

The total cost of approximately \$31,500 will be covered by shifting existing appropriations for other White Slough work within the Wastewater fund.

**FUNDING:** Wastewater Fund

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James R. Krueger, Finance Director

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Richard C. Prima, Jr.  
Public Works Director

RCP/pmf

Attachment

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

**Amendment to Task Order**  
**City of Lodi Sphere of Influence**  
**WYA Job No. 213-03-10**

In accordance with the Task Order Agreement between City of Lodi (Client) and West Yost & Associates, Inc. (Consultant), dated January 13, 1999, Consultant is authorized to complete the following additional services related to the City of Lodi Sphere of Influence as defined in this Amendment to Task Order and according to the schedule and budget defined herein.

**BACKGROUND**

The objective of this task will be to provide additional analyses to complete the Sphere of Influence (SOI) project for the City of Lodi Water Pollution Control Facility (WPCF). The Consultant (WYA) and Hughes Environmental Consultants (HEC), under subcontract to WYA, will perform the work to be completed under this Task Order Amendment.

The original work scope was split into two phases. Phase I included the development of a technical memorandum describing the recommended SOI. Phase II included the development of a Program-level Environmental Impact Report (EIR) for the recommended SOI. This amendment includes additional items that have been (or will be) completed under both project Phases.

**PHASE I WORK SCOPE**

This Phase has consisted of the development of a technical support documents describing the facility alternatives to achieve 100% reuse and/or land disposal of the City's effluent and the resulting recommended WPCF SOI.

**Task I-6. Additional SOI Mapping/Figures**

WYA prepared all the figures used in the Draft EIR document. This included the development of additional mapping showing the zoning in and around the SOI. HEC worked with WYA to develop and revise these new figures for the Draft EIR. The project team had not anticipated spending so much time on report figures.

**PHASE II WORK SCOPE**

This Phase has consisted of the development of an EIR for the WPCF SOI to comply with the requirements of the California Environmental Quality Act (CEQA).

**Task II-10. Additional Project Meetings**

The project team attended one additional kick-off meeting (one to kickoff the project and one with Loren May to discuss the "buffer" issues) not included in the original scope of work. Additionally, the project team attended two meetings with the City of Lodi on the Administrative Draft EIR (ADEIR). The original scope of work only included budget for one of these meetings.

**Task II-11. Reduced Acreage Alternative**

Following the issuance of the Notice of Preparation, it was determined that a "Reduced Acreage" alternative, which did not include the buffer areas, was needed for the EIR analysis. WYA developed

the sizing and mapping needed to address this alternative in the EIR documents. HEC prepared a completely new analysis of this alternative for the EIR.

#### **Task II-12. Additional ADEIR Preparation**

It was assumed in developing the original scope of work that an example Program EIR on a Sphere of Influence for a different project would be available to assist us with defining the appropriate level of analysis for our document. As it turns out, our EIR is the first Sphere of Influence EIR that any of the LAFCO agencies are aware of. Therefore, HEC spent a lot of unanticipated time trying to make sure the analysis in this EIR was adequately prepared.

Additionally, HEC prepared two ADEIR documents (one for JD and one for the rest of the project team after JD left the City). The original scope only included budget for completion of one ADEIR document.

#### **Task II-13. Response to Comments**

The comments on the DEIR from the public will require that the project team spend a considerably greater effort than originally anticipated to address the issues that were raised. This effort includes an internal project team meeting, as well as a meeting with City staff.

### **COMPENSATION**

Compensation shall be in accordance with the provisions of the Task Order Agreement between Client and Consultant and the billing rate schedule contained in Exhibit A of that Agreement.

The compensation limit for services performed under this amendment shall not exceed \$21,500. If additional funds are required to complete the services defined herein beyond this limit, Consultant shall notify Client in writing prior to reaching the authorized limit, and will not proceed with work in excess of the limit without the prior written approval of Client.

**Table 1. SOI Technical Memorandum and EIR Fee Estimate**

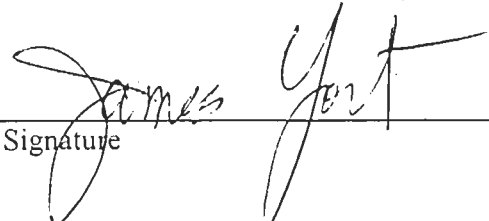
Task	Description	Estimated Fee, dollars
<b>Phase I – Technical Memorandum</b>		
I-6	Additional SOI Mapping/Figures	4,500
	Direct Costs	1,500
	Phase I Subtotal	6,000
<b>Phase II – EIR</b>		
II-11	Reduced Acreage Alternative	2,500
II-12	Additional ADEIR Preparation	5,000
II-13	Response to Comments	7,000
	Direct Costs	1,000
	Phase II Subtotal	15,500
	Total Estimated Project Cost	21,500



## SCHEDULE

The majority of work described in this Task Order Amendment has already been completed. Shortly following the receipt of a notice to proceed from the City, the project team will provide the DEIR response comments to the City for submittal.

WEST YOST & ASSOCIATES, INC.

  
\_\_\_\_\_  
Signature

*for* Bruce G. West  
Printed Name

Principal  
Title

July 13, 2004  
Date

CITY OF LODI

\_\_\_\_\_  
Signature

H. Dixon Flynn  
Printed Name *ry*

City Manager  
Title

\_\_\_\_\_  
Date



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize Advertisement for Transportation Services for the Lodi Conference and Visitors Bureau Media Day and Authorize Use of Buses Should No Alternate Provider Be Willing to Perform the Service

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That City Council authorize advertisement for transportation services for the Lodi Conference and Visitors Bureau Media Day and authorize the use of buses should no alternate provider be willing to perform the service.

**BACKGROUND INFORMATION:** The City's Charter Policy calls for all activities requesting transit service to be approved by the City Council and advertised prior to performing the service. The policy sets up the creation of an annual list of events, however this event has been presented prior to creation of service list for 2004-2005. The policy also call for the City's Transportation Manager to advertise in the local newspapers, with the cost to be born by the applicant, to determine if any other operator is willing and/or able to perform the service. At the conclusion of the advertisement period (which shall be 2 weeks), should no alternate provider be willing to provide the service, the City's transit service may provide those services at the applicable rate.

Since this event is still being finalized, City involvement in the event is still being determined. Should the City partner with the Conference and Visitors Bureau for Media Day, the service will be billed in accordance with the policy for City events. Should the City choose not to partner, the full cost of the service (\$50/hr) will be billed to the applicant.

**FUNDING:** Funding is dependent upon City involvement in the event and will be billed per the adopted City policy.

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TMF/pmf

cc:

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

## Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Conduct Public Hearing to consider the Planning Commission's recommendation of approval of the request of KB Home for a Rezone from R-MD, Residential Medium Density to PD(36), Planned Development Number 36 for the "Villas," an 80-lot medium density single-family residential subdivision located at 449 East Harney Lane

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Associate Planner, Mark Meissner

**RECOMMENDED ACTION:** That the City Council approve the Planning Commission's recommendation to approve the request of KB Home for a Rezone from R-MD, Residential Medium Density to PD(36), Planned Development Number 36 for the "Villas," an 80-lot medium density single-family residential subdivision located at 449 East Harney Lane.

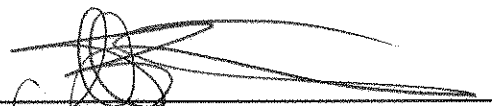
**BACKGROUND INFORMATION:** The Villas development will be constructed on 10.28 acres on the northwest corner of Harney and Cherokee Lanes near Hwy. 99. The land area was recently annexed to the City and a General Plan Land Use Designation of MDR, Medium Density Residential, and a zoning designation of R-MD, residential medium density were established. These designations allow residential development in the density range of 7.1 to 20 dwelling units per acre; the "Villas" has a density of 8.8 dwelling units per acre. In order to design a single-family residential product in the medium density range, the homes have to be a little closer, the lots need to be a little smaller, and the roads need to be a little narrower. The change in zoning to Planned Development is not for the density of the project, but to establish reduced lot sizes, reduced setbacks, and the use of narrow public lanes to take the place of full size cul-de-sacs. The Planning Commission found these non-conventional development standards to be adequate and appropriate, and to not compromise the function or safety of the development.

The Planning Commission reviewed the project site on a few occasions. The first was during the annexation, General Plan Amendment, and Rezoning process at which time the land was brought into the City and established for medium density residential development. The second was during the 2003 Growth Management review process at which time the land was awarded medium density building permit allocations. The third was the review and approval of the Villas' Development Plan, which prompted the proposed change in zoning. The most recent review was at the Planning Commission's Public Hearing of June 9, 2004 where they conditionally approved the tentative subdivision map finding that it was in substantial compliance with its development plan, and recommended approval of this rezone. The Planning Commission's recommendation of approval for the rezone is based on findings that the project is in compliance with the California Environmental Quality Act, that it is consistent with the City's General Plan, and that the land is physically suitable for the proposed development.

**FUNDING:** None

APPROVED:

  
H. Dixon Flynn, City Manager



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Konradt Bartlam  
Community Development Director

Attachments



## **MEMORANDUM, City of Lodi, Community Development Department**

**To:** Planning Commission  
**From:** Mark Meissner, Associate Planner  
**Date:** January 14, 2004  
**Subject:** The request of KB Home for approval of "The Villas", an 87-lot, medium density, residential Development Plan located at 449 East Harney Lane.

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### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the request of KB Home for "The Villas", an 87-lot, medium density, residential Development Plan located at 449 East Harney Lane, subject to the conditions listed in the attached resolution.

### **SUMMARY**

The Villas Development Plan is an 87-lot, medium density, residential Development Plan located near the southeast corner of Lodi on the northwest corner of Harney and Cherokee Lanes. The Development Plan provides for approximately 9.2 dwelling units per acre, which is in the medium density range of 7.1 to 20. The project site is accessed from Harney Lane on the south and Tradewind Drive on the north. In order to provide for the proposed density, the Development Plan uses several unconventional design elements including reduced lot sizes, reduced setbacks, and several short 24-foot-wide public lanes instead of full size cul-de-sacs.

### **BACKGROUND**

The project site was originally introduced to the Planning Commission as the Neuschaffer Development during the Growth Management review period in September of last year. The Villas Development Plan is the applicant's response to condition number 29 of the Planning Commission's Resolution 03-37 approving the Neuschaffer Development and recommending 154 medium density allocations. Condition 29 stated, "Prior to Tentative Map submittal, the applicant shall submit a conceptual site plan for review and approval by the Planning Commission."

The Neuschaffer Development was brought to the Planning Commission without a Development Plan because at the time, the owner was searching for a buyer and there was not much point in approving a plan that a buyer was not interested in developing. The Community Development Director also found that because the Growth Management system only allows for allocations once a year, we would only be setting the project back a year. Staff recommended 154 medium density allocations, which was 15 units per acre, to give the designer of a Development Plan the ability to provide for a wide range of product types.

### **ANALYSIS**

Given the location bordering State Route 99, Cherokee Lane and Harney Lane, it was determined by staff at the time of annexation that the ambient noise level at this location made medium density housing the highest and best use of the land. Staff has worked with the applicant's project engineer for the past few months to help design a product that was in the best interest of the City. While we would

have liked a product with more than 9.2 units per acre, the proposed Development Plan is within the medium density range of development and allows for individual ownership and a more affordable lot size.

As stated in the Summary of this memo, the proposed Development Plan utilizes some unconventional design elements including reduced lot sizes, reduced setbacks, and several short 24-foot-wide public lanes in place of full size cul-de-sacs.

While the individual lots and the lanes accessing the groupings of homes may have modified standards, the streets providing circulation throughout the site including the connections to Harney and Tradewind are designed using the City's standard residential street cross section. This is the same standard applied to all new residential subdivisions. The street is 50-feet-wide including, street, gutter, curb, tree-lined parkways, and sidewalk. The paved area is 30-feet-wide from face of curb to face of curb allowing two-way travel and on-street parking. The development rears to Harney and Cherokee Lanes, for which reverse frontage improvements are required. Development requires the widening of Harney and Cherokee Lanes including 15-feet for the curb, meandering sidewalk, landscaping, and a decorative masonry block wall.

Each of the homes will front upon either the standard residential street design or a 24-foot-wide public lane, which is the minimum width allowed by the Fire Code. The Fire Code also dictates the depth of the public lanes to no more than 150-feet. If the private lanes were deeper than 150-feet, the Fire Department would require a "turn-around" at the end of the driveway. The lanes will be public, with no parking, or sidewalks, and will be built of interlocking pavers like School Street Downtown. Staff finds that the use of pavers will visually set the dead-end lanes apart from the regular streets eliminating confusion as to their destination, and will provide an enhanced aesthetic quality. We find that fronting groups of homes on these narrow public lanes of interlocking pavers creates a courtyard appearance and a more closely-knit environment. To make up for the lack of on-street parking, the driveway depth of each of the dwellings will be no less than 18-feet at the ends of the public lanes and 20-feet everywhere else to provide for parking in the driveway if necessary. Each house will have the potential to park four vehicles, two in the garage and two on the driveway.

The average lot size is approximately 3,100 square-feet with the smallest being 2,800 square-feet and with lot sizes increasing as they get closer to Highway 99. The increase in lot size allows for a greater rear yard setback and greater distance from the highway in an attempt to reduce ambient noise levels within the homes.

The proposed building setbacks for the Development Plan are 12-feet minimum for front yards on the main streets, which is 8-feet less than normal, and 7.5-feet minimum for front yards on the public lanes. The rear yard setback is 8-feet minimum, which is 2-feet less than normal. The side yard setback is 4-feet, which is 1-foot less than normal, but one foot greater than the minimum clearance for Building Code. Finally, the side yard setback on a street is 10-feet, which meets the normal requirement.

In such a compact development, the only areas to take from without reducing the size of the home itself is from the setbacks and streets. The applicant has provided the City with the proposed footprint of the homes on each of the lots within the Development Plan. From this illustration we find that in most cases, the only portion of the front of the home that will have a reduced front setback is the

covered porch or front door; all garages will be setback the standard 20-feet to provide parking on the driveway. Placing the front of the house closer to the street than the garage should enhance the appearance of the streetscape. We also find that the proposed 8-foot rear yard setback is rare and when it does occur it is not across the entire rear yard. In most cases, the 8-foot setback involves a small portion of the rear elevation. Staff finds that each of the proposed setbacks is adequate for the proposed development and does not compromise the function or safety of the development.

The reduced lot size and setbacks of this Development Plan are, however, not consistent with the existing R-MD, residential medium density zoning. R-MD zoning requires 4,000 sq. ft. lots, 20-foot front yards, 10-foot rear yards, but no side yards. Given that staff did not have a Development Plan to work with at the time the zoning was established, we did not anticipate that the eventual product type would not allow for its development. The density of the proposed Development Plan is consistent with the zoning and general plan; however, the setbacks and lot sizes are not. Planned Development (PD) zoning is the only zone that allows for the proposed lot sizes and setbacks. If this Development Plan is approved by the Planning Commission, the project is required to return for review as a PD. We do not find this to be a detriment to the project and merely a step in the process that could occur with the Tentative Subdivision Map submittal.

In conclusion, staff finds that the proposed Development Plan is a solid first step in the process of bringing this project to development. We find that the Development Plan provides the streets and driveways necessary to allow efficient traffic flow throughout this, future, and existing developments. We also find that the Development Plan will provide an alternative product type that will help the City remain compact, will provide for a portion of the City's share of the regional housing needs, and a measure of affordability not otherwise found in Lodi's traditional housing market.

Respectfully Submitted,



Mark Meissner  
Associate Planner

Reviewed & Concur,



Konrad Bartlam  
Community Development Director

KB/MM



**CITY OF LODI  
PLANNING COMMISSION  
Staff Report**

---

**MEETING DATE:** January 14, 2004  
**APPLICATION No.:** Residential Growth Management GM 03-004  
**REQUEST:** The request of KB Home for approval of "The Villas", an 87-lot, medium density, residential Development Plan located at 449 East Harney Lane.  
**LOCATION:** 449 East Harney Lane  
**APPLICANTS:** KB Home North Bay, Inc.  
611 Orange Drive  
Vacaville, CA 95687  
**OWNERS:** Rich Neuschaffer  
1024 De Anza Boulevard  
San Jose, CA 95129

**Site Characteristics:** The subject property was annexed into Lodi 2003 along with the adjacent Miller property to the west. The major physical characteristic of the site is the noise generated from State Route 99, Harney Lane and Cherokee Lane. The site is south of the Richards Ranch subdivision, with Tradewind Drive terminating at the project site's northern boundary. The site has generally flat topography and is not considered prime habitat area.

**General Plan Designation:** MDR, Medium Density Residential  
**Zoning Designation:** R-MD, Residential Medium Density  
**Property Size:** 0.28 acres

**Adjacent Zoning and Land Use:**

**North:** R-2, Low Density Residential; single family dwellings  
**South:** AG40, Agricultural 40 acre minimum lot size; agricultural  
**East:** PUB, State Route 99  
**West:** MDR, Medium Density Residential; residential and greenhouse operations.

**Neighborhood Characteristics:**

The neighborhood is presently on the fringe of urban activity as Harney Lane acts as a buffer between urban/suburban development to the north and agricultural activity to the south. Along the north side of Harney Lane, this parcel along with the Miller property to the west, represents the last sizable vacant land north of Harney Lane between State Route 99 and Lower Sacramento Road. The project is adjacent to low density single family homes with a new elementary school being the focal point of attention in this area of town.

**ENVIRONMENTAL ASSESSMENTS:**

Negative Declaration ND-03-08 has been prepared in accordance with CEQA. This document adequately addresses possible adverse environmental effects of this project. No significant impacts are anticipated.

**RECOMMENDATION:**

Staff recommends that the Planning Commission approve the request of KB Home for "The Villas", an 87-lot, medium density, residential Development Plan located at 449 East Harney Lane, subject to the conditions listed in the attached resolution.

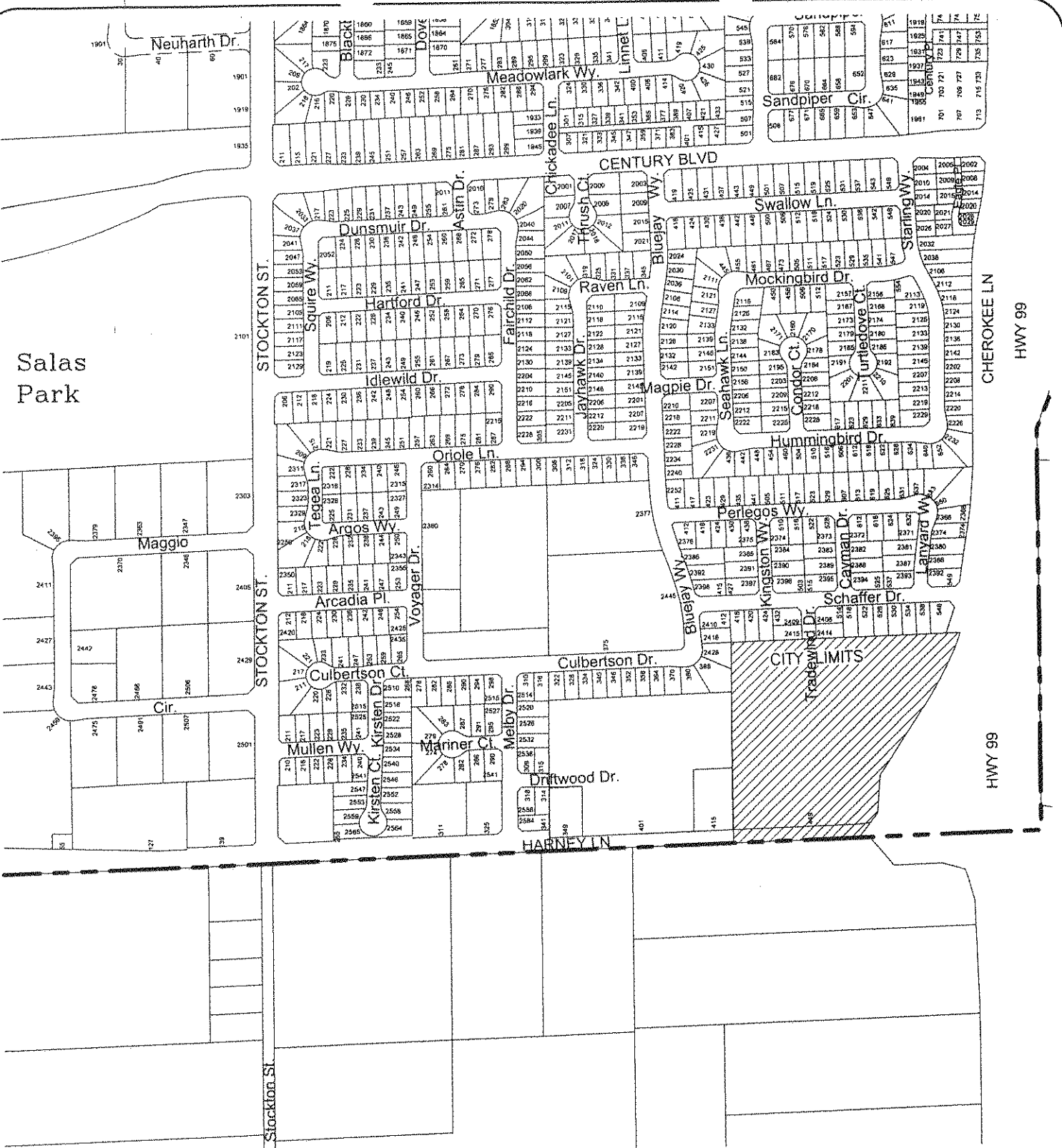
**ALTERNATIVE PLANNING COMMISSION ACTIONS:**

- Approve the Development Plan with Alternate Conditions.
- Deny the Development Plan.
- Continue the Development Plan.

**ATTACHMENTS:**

1. Vicinity Map
2. Development Plan
3. Draft Resolution

Salas  
Park



# VICINITY MAP

The Villas  
Growth Mngmt. Dev. Plan  
449 East Harney Lane  
GM-03-004

# PROPOSED SITE PLAN THE VILLAS

A PORTION OF THE SOUTHEAST QUARTER OF  
SECTION 13, T.3N., R.6E., M.D.B. & M.,  
CITY OF LODI, SAN JOAQUIN COUNTY, CALIFORNIA  
DECEMBER, 2003 NOT TO SCALE

## OWNERS:

RICHARD and ROBERT NEUSCHAEFER  
1024 S. DeANZA BLVD.  
SAN JOSE, CA. 95129  
PH. (408) 504-2427

## SITUS ADDRESS and APN:

13669 N. CHEROKEE LANE  
LODI, CA 95240  
APN: 062-290-17  
THIS SITE CONTAINS 10.28± AC. -GROSS.

## PROPOSED DENSITY:

87 MEDIUM DENSITY UNITS OVER  
9.5± AC.(NET) = 9.2 UPA.

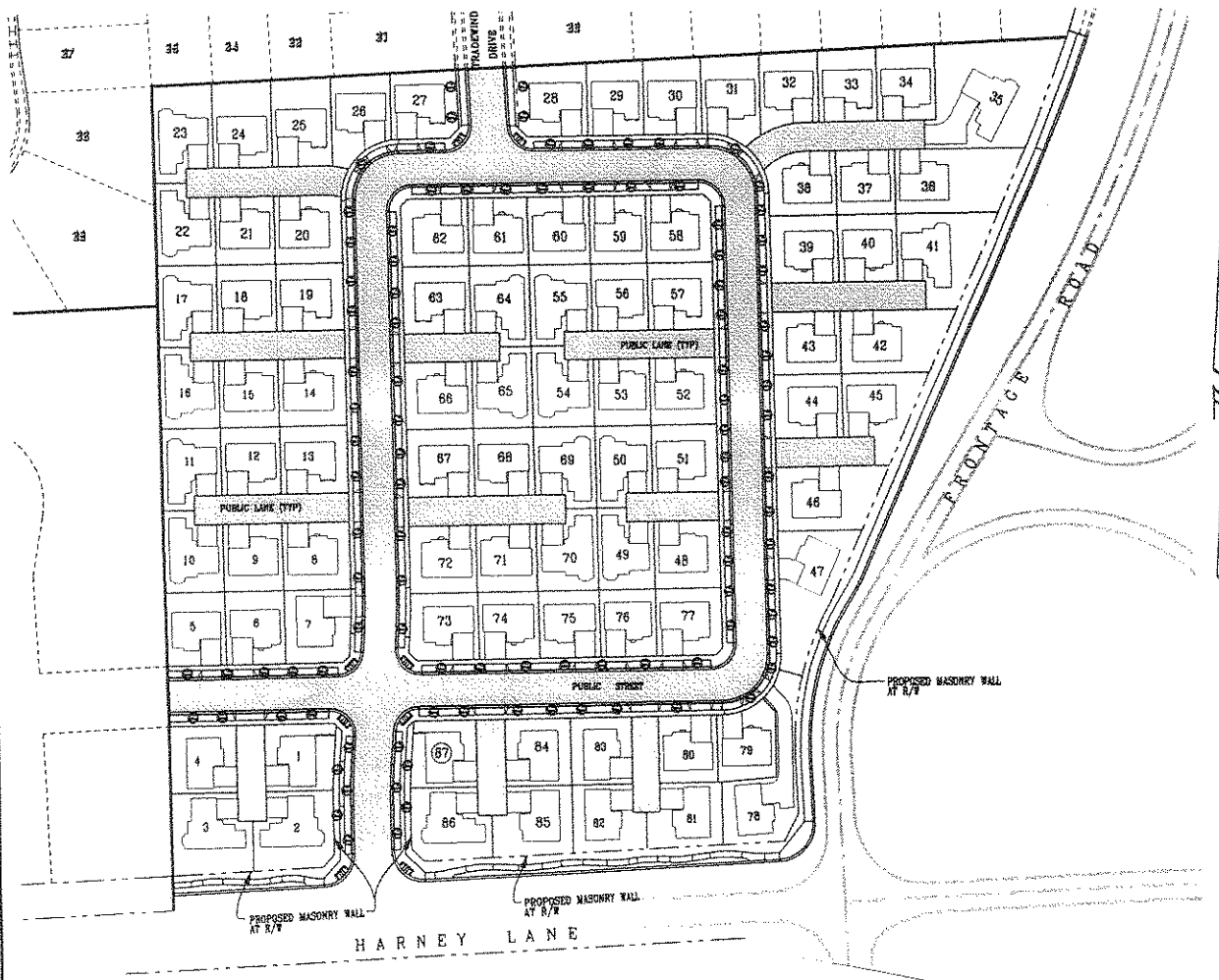
## PROPOSED BUILDING SETBACKS:

FRONT YARD (PRIVATE STREET) - 12'min.  
FRONT YARD (PRIVATE LANE) - 7.5'min.  
REAR YARD - 8'min.  
SIDE YARD - 4'min.  
SIDE YARD (STREET SIDE) - 10'min.

PREPARED IN THE OFFICE OF:

**BAUMBACH & PIAZZA, INC.**

CIVIL ENGINEERS  
323 WEST ELM STREET  
LODI, CALIFORNIA 95240



RESOLUTION NO. PC. 04-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF KB HOME FOR "THE VILLAS", AN 87-LOT, MEDIUM DENSITY, RESIDENTIAL DEVELOPMENT PLAN LOCATED AT 449 EAST HARNEY LANE PURSUANT TO CHAPTER 15.34 OF THE CITY OF LODI MUNICIPAL CODE

WHEREAS, the applicant, KB Home, in response to condition 29 of Planning Commission Resolution 03-37 has filed the Villas Development Plan with the City of Lodi. The Development Plan is 10.28 acres in size and is located at 449 East Harney Lane, which is designated for medium density residential development. The parcel is more particularly described as:

A portion of the southwest quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian,

Assessor Parcel Number 062-290-17.

WHEREAS, the Community Development Department did study and recommend approval of said request; and

WHEREAS, the Planning Commission did consider a Negative Declaration pursuant to CEQA; and

WHEREAS, a copy of the Negative Declaration is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and

WHEREAS, the required public hearing preceding this planning matter was held on September 24, 2003 and was duly advertised and held in a manner prescribed by law; and

WHEREAS, the Planning Commission's approval is based upon the following findings and determinations:

1. The standard proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the Development Plan, as conditioned, will conform to the standards and improvements mandated by the adopted City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
2. The standard size, shape and topography of the site is physically suitable for residential development proposed in that the site is generally flat and is not within an identified natural hazard area.

3. The site is suitable for the density proposed by the Development Plan in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
4. The standard design of the proposed Development Plan and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat in that the site has been previously disturbed by agricultural activities and no significant environmental issues or concerns were identified through the environmental Initial Study prepared for this development.
5. The design of the proposed Development Plan and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
6. The design of the proposed Development Plan and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision in that as conditioned the Development Plan will provide dedication of adequate right-of-way for Harney Lane, Cherokee Lane and State Route 99 ingress/egress and said improvements will be illustrated on the Tentative Map for the project.
7. The Development Plan is conditioned to construct improvements to Harney Lane, Cherokee Lane and their interchange with State Route 99 thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
8. The loss of soil classified as Prime Farmland is not considered significant under the California Department of Conservation Land Evaluation and Site Assessment model
9. The project allows for the orderly development of Lodi in that the Land Use and Growth Management Element calls for the development of the site at a maximum density of 20.0 dwelling units per acre and the Development Plan proposes a density of 9.2 dwelling units per acre.
10. The project complies with Chapter 15.34 of the City of Lodi Municipal Code in that the proposed Development Plan is within Priority Area 1.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, as follows:

1. The foregoing recitals are true and correct.
2. Said Development Plan complies with the requirements of the Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

3. A Negative Declaration for this Development Plan was certified by the City Council pursuant to the California Environmental Quality Act and all mitigation measures for the Development Plan identified in the initial study and accompanying studies are hereby incorporated into this recommendation of approval.
4. Said Development Plan is hereby approved pursuant to the City Ordinances and no waiver of any requirement of said Ordinances are intended or implied except as specifically set forth in this Resolution.
5. Prior to or concurrent with the filing of a tentative subdivision map for this Development Plan, the developer shall apply for a change in zoning from R-MD, residential medium density to PD, planned development.
  - a. A master fencing plan illustrating how each of the dwellings will be fenced shall be provided with the zone change application.
6. Prior to the filing of a tentative subdivision map for this Development Plan, the applicant shall comply with the following conditions:
  - a. All existing and proposed property lines shall be illustrated on the Tentative Map.
  - b. The existing right-of-way on both Cherokee Lane and Harney Lane shall be illustrated on the Tentative Map.
  - c. Future right-of-way for the Harney Lane/State Route 99 interchange and any dedication required and/or approved by Caltrans shall appear on the Tentative Map.
  - d. All street right-of-way dedications shall be illustrated on the Tentative Map, including but not limited to the following:
    - i. Corner cutoffs in conformance with City standards are required at all street intersections.
    - ii. All public right-of-way dedications shall be in conformance with City of Lodi standards and be sufficient to provide 15-feet between the face of curb and right-of-way line for the installation of a meandering sidewalk, landscape and irrigation improvements and a reverse frontage wall.
    - iii. All right-of-way dedications and improvements shall be made in accordance with City of Lodi Plans and Specifications to the satisfaction of the City Engineer.
    - iv. Minor amendments to the Development Plan may be approved by the City Engineer and City Planner, provided that the plan is still in substantial conformance with this original approval.

- v. All easements, right-of-way and other public land as shown on the Tentative Map shall be dedicated to City of Lodi. All property or property interest shall be granted to the City free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste.
- 7. Note that All street improvements shall be to the approval of the Public Works Director. Street improvements to be constructed shall be to the approval of the Public Works Director and may require removal and reconstruction of existing street pavement improvements to the centerline of the street.
- 8. Note that the alternative street design with parkway (Standard Plan 101) shall be used on all interior streets in this development. Driveways in the cul-de-sacs shall be in conformance with City of Lodi Design Standards and shall be located adjacent to common property lines to maximize the continuity of the landscaped parkway.
- 9. Note that reverse frontage walls, landscaping and irrigation improvements are required on Harney Lane and Cherokee Lane and shall be constructed by the developer at the developer's expense to the approval of the Public Works Director and Community Development Director. The wall shall have a minimum height of 8 feet measured from the top of curb and 7 feet measured from the highest adjacent pad grade.
- 10. Note that design and installation of public improvements shall be in accordance with City master plans. Water, wastewater and storm drainage master plans and design calculations for the entire development shall be required with the first phase of development. Note that the map shall reflect dedication based on the following utility requirements:
  - a. Water. Looping of water main throughout the site and provide a continuous connection to waterlines on both Cherokee Lane and Harney Lane. Provide water-sampling stations in locations approved by the City Engineer.
  - b. Storm Drainage. The developer shall be responsible for the planning, implementation and construction of all improvements required to adequately provide storm drainage for the site in accordance with the City of Lodi Master Storm Drainage Plan to the Satisfaction of the City Engineer.
  - c. Sanitary Sewer. The developer shall install all necessary facilities to handle anticipated flows to the satisfaction of the City Engineer.
- 11. Note that all utilities shall be placed underground. The developer shall make necessary arrangements with each of the serving utilities, including cable television, for the placement of all utilities fronting, abutting or



within the property. Street crossings for future facilities shall be constructed with this Development Plan.

12. The applicant shall clearly identify public and private streets on the tentative subdivision map.
13. The applicant shall provide street access to the adjacent parcels to the west, APN 062-290-14 and APN 062-290-38.
14. Note that public lanes shall comply with the following standards:
  - a. Minimum unobstructed width (face to face of curb) shall be twenty-four feet (24').
  - b. Public Lane structural section shall be constructed of interlocking pavers over four inches (4") of approved base. Grades shall be a minimum of 1.0 percent and a maximum of 15 percent and designed to drain the surface water properly. Adequacy of the structural section and surface drainage shall be inspected and certified by the Department of Public Works.
15. Property owner(s) shall agree to preserve and save harmless the City of Lodi and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property, happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
16. The developer shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the Department of Public Works to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
17. The developer shall provide for the improvement of all drainage easements by culvert or drainage channel of adequate size, whichever is required by the City Engineer. Any required drainage channel shall be lined with the suitable material as specified by the City Engineer. All such drainage easements shall be monumented along property lines at locations approved by the City Engineer. An access easement shall be provided to each drainage system maintenance access point not directly accessible from a public roadway.
18. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the City Engineer, or verification shall be provided that such calculations are not needed.

19. The developer shall submit grading plans to the City of Lodi, Department of Public Works. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
20. The developer shall install or agree to install a sewer system as a subdivision improvement to the satisfaction of the City Engineer. Sewer and water lines shall not be laid in the same trench.
21. The developer shall agree to construct the type and location of fire protection improvements that meets the required minimum required water flow in gallons per minute, to the satisfaction of the City of Lodi Fire Marshall.
22. Drainage studies required by the City Engineer shall be submitted and approved and all improvements must comply with the approved studies. Furthermore, street and storm water management dedication and/or improvements recommended by said studies shall be bonded for construction in accordance to City of Lodi policy.
23. All conditions of approval, applicable state statutes, and local ordinances must be satisfied, including all applicable Building and Fire Code requirements for hazardous materials.
24. All utility plans shall conform to adopted master plans and standard plans and specifications. Improvements constructed in accordance with plans shall be inspected and approved to the satisfaction of the City Engineer.
25. The developer shall submit proof of payment of appropriate fees pursuant to the San Joaquin County Multiple Species Habitat Conservation Program to the satisfaction of the City Planner.
26. The Planning Commission hereby conditionally recommends approval of the request of KB Home for "The Villas", an 87-lot medium density residential Development Plan subject to all the above-mentioned conditions.

Dated: January 14, 2004

I hereby certify that Resolution No. 04- \_\_\_\_\_ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 14, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RESOLUTION NO. PC. 04-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI  
APPROVING THE REQUEST OF KB HOME FOR "THE VILLAS", AN 87-LOT,  
MEDIUM DENSITY, RESIDENTIAL DEVELOPMENT PLAN LOCATED AT 449  
EAST HARNEY LANE PURSUANT TO CHAPTER 15.34 OF THE CITY OF LODI  
MUNICIPAL CODE

WHEREAS, the applicant, KB Home, in response to condition 29 of Planning Commission Resolution 03-37 has filed the Villas Development Plan with the City of Lodi. The Development Plan is 10.28 acres in size and is located at 449 East Harney Lane, which is designated for medium density residential development. The parcel is more particularly described as:

A portion of the southwest quarter of Section 13, Township 3 North,  
Range 6 East, Mount Diablo Base and Meridian,

Assessor Parcel Number 062-290-17.

WHEREAS, the Community Development Department did study and recommend approval of said request; and

WHEREAS, the Planning Commission did consider a Negative Declaration pursuant to CEQA; and

WHEREAS, a copy of the Negative Declaration is kept on file for public review within the Community Development Department by the Community Development Director at 221 West Pine Street, Lodi, CA; and

WHEREAS, the required public hearing preceding this planning matter was held on September 24, 2003 and was duly advertised and held in a manner prescribed by law; and

WHEREAS, the Planning Commission's approval is based upon the following findings and determinations:

1. The standard proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the Development Plan, as conditioned, will conform to the standards and improvements mandated by the adopted City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
2. The standard size, shape and topography of the site is physically suitable for residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
3. The site is suitable for the density proposed by the Development Plan in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.

4. The standard design of the proposed Development Plan and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat in that the site has been previously disturbed by agricultural activities and no significant environmental issues or concerns were identified through the environmental Initial Study prepared for this development.
5. The design of the proposed Development Plan and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
6. The design of the proposed Development Plan and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision in that as conditioned the Development Plan will provide dedication of adequate right-of-way for Harney Lane, Cherokee Lane and State Route 99 ingress/egress and said improvements will be illustrated on the Tentative Map for the project.
7. The Development Plan is conditioned to construct improvements to Harney Lane, Cherokee Lane and their interchange with State Route 99 thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
8. The loss of soil classified as Prime Farmland is not considered significant under the California Department of Conservation Land Evaluation and Site Assessment model
9. The project allows for the orderly development of Lodi in that the Land Use and Growth Management Element calls for the development of the site at a maximum density of 20.0 dwelling units per acre and the Development Plan proposes a density of 9.2 dwelling units per acre.
10. The project complies with Chapter 15.34 of the City of Lodi Municipal Code in that the proposed Development Plan is within Priority Area 1.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, as follows:

1. The foregoing recitals are true and correct.
2. Said Development Plan complies with the requirements of the Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.
3. A Negative Declaration for this Development Plan was certified by the City Council pursuant to the California Environmental Quality Act and all mitigation measures for the Development Plan identified in the initial study and accompanying studies are hereby incorporated into this recommendation of approval.

4. Said Development Plan is hereby approved pursuant to the City Ordinances and no waiver of any requirement of said Ordinances are intended or implied except as specifically set forth in this Resolution.
5. Prior to or concurrent with the filing of a tentative subdivision map for this Development Plan, the developer shall apply for a change in zoning from R-MD, residential medium density to PD, planned development.
  - a. A master fencing plan illustrating how each of the dwellings will be fenced shall be provided with the zone change application.
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  - a. All existing and proposed property lines shall be illustrated on the Tentative Map.
  - b. The existing right-of-way on both Cherokee Lane and Harney Lane shall be illustrated on the Tentative Map.
  - c. Future right-of-way for the Harney Lane/State Route 99 interchange and any dedication required and/or approved by Caltrans shall appear on the Tentative Map.
  - d. All street right-of-way dedications shall be illustrated on the Tentative Map, including but not limited to the following:
    - i. Corner cutoffs in conformance with City standards are required at all street intersections.
    - ii. All public right-of-way dedications shall be in conformance with City of Lodi standards and be sufficient to provide 15-feet between the face of curb and right-of-way line for the installation of a meandering sidewalk, landscape and irrigation improvements and a reverse frontage wall.
    - iii. All right-of-way dedications and improvements shall be made in accordance with City of Lodi Plans and Specifications to the satisfaction of the City Engineer.
    - iv. Minor amendments to the Development Plan may be approved by the City Engineer and City Planner, provided that the plan is still in substantial conformance with this original approval.
    - v. All easements, right-of-way and other public land as shown on the Tentative Map shall be dedicated to City of Lodi. All property or property interest shall be granted to the City free and clear of all liens and encumbrances and without cost to the City of Lodi and free and clear of environmental hazards, hazardous materials or hazardous waste.

7. Note that All street improvements shall be to the approval of the Public Works Director. Street improvements to be constructed shall be to the approval of the Public Works Director and may require removal and reconstruction of existing street pavement improvements to the centerline of the street.
8. Note that the alternative street design with parkway (Standard Plan 101) shall be used on all interior streets in this development. Driveways in the cul-de-sacs shall be in conformance with City of Lodi Design Standards and shall be located adjacent to common property lines to maximize the continuity of the landscaped parkway.
9. Note that reverse frontage walls, landscaping and irrigation improvements are required on Harney Lane and Cherokee Lane and shall be constructed by the developer at the developer's expense to the approval of the Public Works Director and Community Development Director. The wall shall have a minimum height of 8 feet measured from the top of curb and 7 feet measured from the highest adjacent pad grade.
10. Note that design and installation of public improvements shall be in accordance with City master plans. Water, wastewater and storm drainage master plans and design calculations for the entire development shall be required with the first phase of development. Note that the map shall reflect dedication based on the following utility requirements:
  - a. Water. Looping of water main throughout the site and provide a continuous connection to waterlines on both Cherokee Lane and Harney Lane. Provide water-sampling stations in locations approved by the City Engineer.
  - b. Storm Drainage. The developer shall be responsible for the planning, implementation and construction of all improvements required to adequately provide storm drainage for the site in accordance with the City of Lodi Master Storm Drainage Plan to the Satisfaction of the City Engineer.
  - c. Sanitary Sewer. The developer shall install all necessary facilities to handle anticipated flows to the satisfaction of the City Engineer.
11. Note that all utilities shall be placed underground. The developer shall make necessary arrangements with each of the serving utilities, including cable television, for the placement of all utilities fronting, abutting or within the property. Street crossings for future facilities shall be constructed with this Development Plan.
12. The applicant shall clearly identify public and private streets on the tentative subdivision map.
13. The applicant shall provide street access to the adjacent parcels to the west, APN 062-290-14 and APN 062-290-38.
14. Note that public lanes shall comply with the following standards:

- a. Minimum unobstructed width (face to face of curb) shall be twenty-four feet (24').
  - b. Public Lane structural section shall be constructed of interlocking pavers over four inches (4") of approved base. Grades shall be a minimum of 1.0 percent and a maximum of 15 percent and designed to drain the surface water properly. Adequacy of the structural section and surface drainage shall be inspected and certified by the Department of Public Works.
- 15. Property owner(s) shall agree to preserve and save harmless the City of Lodi and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property, happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
  - 16. The developer shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the Department of Public Works to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
  - 17. The developer shall provide for the improvement of all drainage easements by culvert or drainage channel of adequate size, whichever is required by the City Engineer. Any required drainage channel shall be lined with the suitable material as specified by the City Engineer. All such drainage easements shall be monumented along property lines at locations approved by the City Engineer. An access easement shall be provided to each drainage system maintenance access point not directly accessible from a public roadway.
  - 18. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the City Engineer, or verification shall be provided that such calculations are not needed.
  - 19. The developer shall submit grading plans to the City of Lodi, Department of Public Works. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
  - 20. The developer shall install or agree to install a sewer system as a subdivision improvement to the satisfaction of the City Engineer. Sewer and water lines shall not be laid in the same trench.
  - 21. The developer shall agree to construct the type and location of fire protection improvements that meets the required minimum required water flow in gallons per minute, to the satisfaction of the City of Lodi Fire Marshall.

22. Drainage studies required by the City Engineer shall be submitted and approved and all improvements must comply with the approved studies. Furthermore, street and storm water management dedication and/or improvements recommended by said studies shall be bonded for construction in accordance to City of Lodi policy.
23. All conditions of approval, applicable state statutes, and local ordinances must be satisfied, including all applicable Building and Fire Code requirements for hazardous materials.
24. All utility plans shall conform to adopted master plans and standard plans and specifications. Improvements constructed in accordance with plans shall be inspected and approved to the satisfaction of the City Engineer.
25. The developer shall submit proof of payment of appropriate fees pursuant to the San Joaquin County Multiple Species Habitat Conservation Program to the satisfaction of the City Planner.
26. The Planning Commission hereby conditionally recommends approval of the request of KB Home for "The Villas", an 87-lot medium density residential Development Plan subject to all the above-mentioned conditions.

Dated: January 14, 2004

I hereby certify that Resolution No. 04- 22 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 14, 2004 by the following vote:

AYES: Commissioners: Aguirre, Haugan, Heinitz, Moran, Phillips, White, and Mattheis

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners

ATTEST:   
Secretary, Planning Commission



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND  
THEREBY REZONING 449 EAST HARNEY LANE (APN 062-  
290-17) FROM R-MD, RESIDENTIAL MEDIUM DENSITY TO  
PD(36), PLANNED DEVELOPMENT NUMBER 36 FOR THE  
'VILLAS'

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

10.28 acres located at 449 East Harney Lane (APN 062-290-17) are hereby rezoned from R-MD, Residential Medium Density to PD(36), Planned Development Number 36, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

Section 2. The Planning Commission adopted Resolution No. P.C. 04-31 recommending approval of this request for a rezone at its meeting of June 9, 2004.

Section 3. A Negative Declaration (ND-03-08) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 04-31.

Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 7. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 8. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held August 4, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2004, by the following vote:

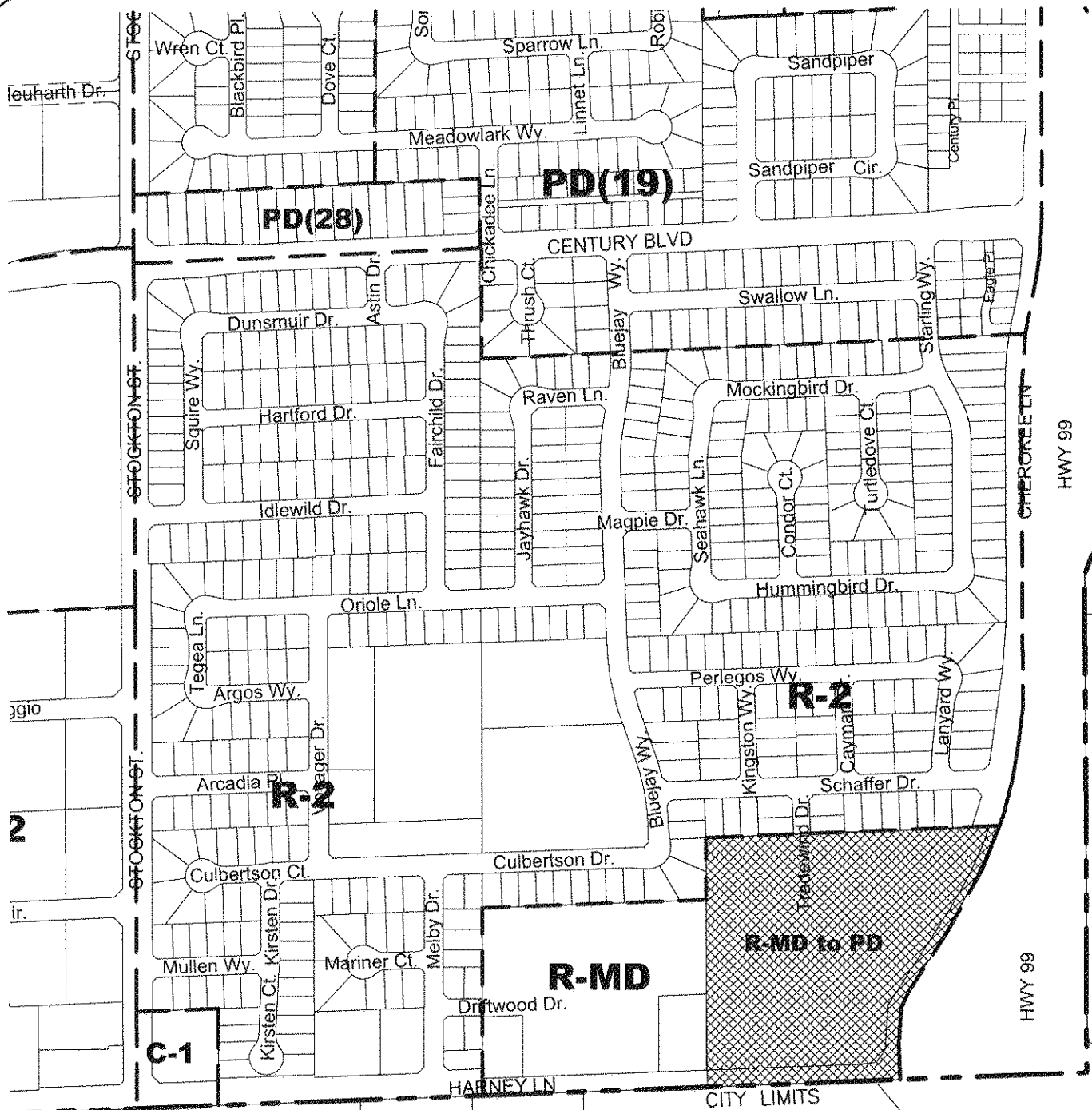
AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney



## PROPOSED ZONING MAP

The Villas

### LEGEND

#### RESIDENTIAL ZONES:

- R-1 - SINGLE FAMILY
- R-2 - SINGLE FAMILY
- R-LD - LOW DENSITY
- R-GA - GARDEN APARTMENT
- R-MD - MEDIUM DENSITY (APARTMENT)
- R-HD - HIGH DENSITY (APARTMENT)
- P-D - PLANNED DEVELOPMENT
- R-1\* - SINGLE-FAMILY (EASTSIDE)

#### COMMERCIAL ZONES:

- R-CP - PROFESSIONAL OFFICES
- C-1 - NEIGHBORHOOD
- C-2 - GENERAL
- C-S - SHOPPING CENTER

#### OTHER ZONES:

- U-H - UNCLASSIFIED HOLDINGS (CULTURAL)
- F-P - FLOOD PLAIN
- PUB - PUBLIC



## DECLARATION OF POSTING

**NOTICE OF PUBLIC HEARING TO CONSIDER THE PLANNING  
COMMISSION'S RECOMMENDATION OF APPROVAL OF THE REQUEST OF  
KB HOME FOR A REZONE FROM R-MD, RESIDENTIAL MEDIUM DENSITY  
TO PD(36), PLANNED DEVELOPMENT NUMBER 36 FOR "VILLAS," AN 80-  
LOT MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL SUBDIVISION  
LOCATED AT 449 EAST HARNEY LANE**

On Thursday, July 22, 2004, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the Planning Commission's recommendation of approval of the request of KB Home for a Rezone from R-MD, Residential Medium Density to PD(36), Planned Development Number 36 for "Villas," an 80-lot medium density single-family residential subdivision located at 449 East Harney Lane (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 22, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON  
CITY CLERK**

A handwritten signature in cursive script, reading "Patricia Ochoa", written over a horizontal line.

Patricia Ochoa  
Administrative Clerk

\_\_\_\_\_  
Jacqueline L. Taylor, CMC  
Deputy City Clerk

\_\_\_\_\_  
Jennifer M. Perrin, CMC  
Deputy City Clerk



**CITY OF LODI**  
Carnegie Forum  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: August 4, 2004

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

**EXHIBIT A**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on **Wednesday, August 4, 2004** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider the Planning Commission's recommendation of approval of the request of KB Home for a Rezone from R-MD, Residential Medium Density to PD(36), Planned Development Number 36 for "The Villas" an 80-lot medium density single-family residential subdivision located at 449 East Harney Lane

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: July 22, 2004

Approved as to form:

D. Stephen Schwabauer  
City Attorney



*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

### ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING TO CONSIDER THE PLANNING  
COMMISSION'S RECOMMENDATION OF APPROVAL OF THE REQUEST  
OF KB HOME FOR A REZONE FROM R-MD, RESIDENTIAL MEDIUM  
DENSITY TO PD(36), PLANNED DEVELOPMENT NUMBER 36 FOR  
"VILLAS," AN 80-LOT MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL  
SUBDIVISION LOCATED AT 449 EAST HARNEY LANE

## LEGAL AD

PUBLISH DATES: SATURDAY, JULY 24, 2004

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

DATED: THURSDAY, JULY 22, 2004

ORDERED BY:

  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

PLEASE SEND PROOF OF ADVERTISEMENT. THANK YOU!!

LNS	Faxed to the Sentinel at 369-1084 at <u>3:17 PM</u> (time) on <u>7-23-04</u> (date) <u>2</u> (pages)
	Phoned to confirm receipt of all pages at <u>3:50</u> (time) <u>Jac</u> <u>PO</u> Tricia <u>Jen</u> (Initials)

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, August 4, 2004 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) to consider the Planning Commission's recommendation of approval of the request of KB Home for a Rezone from R-MD, Residential medium Density to PD(36), Planned Development Number 36 for "The Villas" an 80-lot Medium density single-family residential subdivision located at 449 East Harney Lane.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:  
s: SUSAN J. BLACKSTON  
City Clerk

Approved as to form:  
D. Stephen Schwabauer  
City Attorney  
July 24, 2004



## DECLARATION OF MAILING

**NOTICE OF PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S  
RECOMMENDATION OF APPROVAL OF THE REQUEST OF KB HOME FOR A  
REZONE FROM R-MD, RESIDENTIAL MEDIUM DENSITY TO PD(36), PLANNED  
DEVELOPMENT NUMBER 36 FOR "VILLAS," AN 80-LOT MEDIUM DENSITY  
SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 449 EAST HARNEY  
LANE**

On July 22, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a letter of Public Hearing to consider the Planning Commission's recommendation of approval of the request of KB Home for a Rezone from R-MD, Residential Medium Density to PD(36), Planned Development Number 36 for "Villas," an 80-lot medium density single-family residential subdivision located at 449 East Harney Lane, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 22, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR  
DEPUTY CITY CLERK

JENNIFER M. PERRIN  
DEPUTY CITY CLERK

  
PATRICIA OCHOA  
ADMINISTRATIVE CLERK



# EXHIBIT B

- 1) 06229014;MILLER, DONALD W & NANCY C TR ;4071 E HARNEY LN ;LODI  
;CA;95240
- 2) 06229017;NEUSCHAEFER, ROBERT W ETAL ;1024 SARATOGA ;SAN JOSE  
;CA;95129
- 3) 06256001;AYON, RAMON S & CAROL ;2392 LANYARD WAY ;LODI ;CA;95240
- 4) 06256002;LOPEZ, VALDEMAR & DELMI P ;2386 LANYARD WAY ;LODI  
;CA;95240
- 5) 06256005;GARCIA, JOSE J & MARILU ;2387 LANYARD WAY ;LODI  
;CA;95240
- 6) 06256006;VELAZQUEZ, JESUS & EVA ;2393 LANYARD WAY ;LODI ;CA;95240
- 7) 06256007;FRANZONE, RICHARD & TERRY ;2394 CAYMAN DR ;LODI  
;CA;95240
- 8) 06256008;FLEMMER, BRUCE & MICHELE ;2817 APPLEWOOD DR ;LODI  
;CA;95242
- 9) 06256011;OCHOA, FERNANDO & ANA M ;2389 CAYMAN DR ;LODI ;CA;95240
- 10) 06256012;CAREY, PATRICK J & MARY M ;2395 CAYMAN DR ;LODI  
;CA;95240
- 11) 06256013;NAVARRO, ROSALIO & MARIA ;2396 KINGSTON WAY ;LODI  
;CA;95240
- 12) 06256014;EMMETT, ANDREA ;2390 KINGSTON WAY ;LODI ;CA;95240
- 13) 06256017;CRAWFORD, DAVID M & YANG SU ;2391 KINGSTON WAY ;LODI  
;CA;95240
- 14) 06256018;CASTLE, LISA E ;2397 KINGSTON WAY ;LODI ;CA;95242
- 15) 06256019;MCQUEEN, TROY MELVIN & PATRICI;2398 BLUEJAY WAY ;LODI  
;CA;95240
- 16) 06256020;KAMAKEEAINA, YUSEF K & KIMBERL;2392 BLUEJAY WAY ;LODI  
;CA;95240
- 17) 06256023;CRYSTAL ENTERPRISES L P ;PO BOX 1259 ;WOODBIDGE  
;CA;95258
- 18) 06256024;PADILLA, RODOLFO D & CARMEN L ;534 SCHAFER DR ;LODI  
;CA;95240
- 19) 06256025;BLAKELY CAHILL, JOAN TR ;530 SCHAFER DR ;LODI ;CA;95240
- 20) 06256026;VALENTE, THOMAS C & CARRIE L ;526 SCHAFER DR ;LODI  
;CA;95240
- 21) 06256027;MACIAS, ABEL & OFELIA ;522 SCHAFER DR ;LODI ;CA;95240
- 22) 06256028;PENNER, CHARLES L & RUTH ;505 VISTA RIO CT ;WOODBIDGE  
;CA;95258
- 23) 06256029;FLEMMER, BRUCE & MICHELE ;2817 APPLEWOOD DR ;LODI  
;CA;95242
- 24) 06256031;FLEMMER, LOWELL B & VIOLET ;2031 BERN WAY ;LODI  
;CA;95242
- 25) 06256032;SILVA, TONY III ;2409 TRADEWIND WAY ;LODI ;CA;95240
- 26) 06256033;HALFORD, ROSALIE ;424 SCHAFER DR ;LODI ;CA;95240
- 27) 06256034;PLINSKI, JOHN P ;420 SCHAFER DR ;LODI ;CA;95240
- 28) 06256035;RIVAS, PHILLIP & JOSEPHINE L T;416 SCHAFER DR ;LODI  
;CA;95240
- 29) 06256036;BARNETT, JESSE W & TRACI C ;2410 BLUEJAY WAY ;LODI  
;CA;95240

- 30) 06256037; SHERMAN, PATRICK H & JANET R T; 808 WESTWIND DR ; LODI  
; CA; 95242
- 31) 06256038; SEXTON, KEVIN J & STACY R ; 2428 BLUEJAY WAY ; LODI  
; CA; 95240
- 32) 06256039; JONES, BRAD H & TERI S ; 388 CULBERTSON DR ; LODI  
; CA; 95240
- 33) 06256040; GUTIERREZ, JESUS ; 380 CULBERTSON DR ; LODI ; CA; 95240
- 34) 06256041; MCKNIGHT, MICHAEL E ; 370 CULBERTSON DR ; LODI ; CA; 95240
- 35) 06256042; SINGH, GURMEL & PARSIN ; 2415 MEADOW DR ; LODI ; CA; 95242
- 36) 05813010; STOCKAR, PATRICK F & SANDRA H ; PO BOX 673 ; VICTOR  
; CA; 95253



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Denial of Verified Claim(s) against the City of Lodi

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Risk Management

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**RECOMMENDED ACTION:** To approve by motion action, denial of the following verified Claim filed against the City of Lodi.

(A) Exponent, Inc.

DOL: July 03-February 04

(B) G.R.A.P.E. Video Recording Company DOL: January 2004

**BACKGROUND INFORMATION:** Following review of verified claims filed against the City of Lodi, it is recommend the City deny the subject claim(s).

**FUNDING:** None Required

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Kirk Evans, Risk Manager

Attachments

cc: City Attorney

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduce Ordinance Repealing and Reenacting LMC §13.04.130 and Establishing Low Income Discounts for Water, Sewer and Refuse Services and Adopt Resolution Establishing Discounts

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council introduce an ordinance repealing and reenacting LMC §13.04.130 establishing low income discounts for water, sewer and refuse services and adopt a resolution establishing discounts.

**BACKGROUND INFORMATION:** In discussion on water and wastewater rates, the subject of providing a meaningful discount for low income residents was brought up. Staff is recommending a change in the City's current discount program as described below.

Currently, the Lodi Municipal Code contains the following section:

### **13.04.130 Low income adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced by ten percent (exclusive of surcharges, if any) for those residential accounts in the names of person otherwise eligible for Supplemental Security Income (SSI), or State Supplement Payments (SSP), as determined by the Social Security Administration, which shall have sole discretion in determining such eligibility. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein. (Ord. 1445 § 1, 1989)

In addition, the City has various electric and refuse programs, as summarized on Exhibit A. Note that the refuse discount was actually far greater than 10% due to the way past rate increases were handled; however, the rates adopted on April 27, 2004, eliminated that separate rate category. Customers in that rate category are being given the SSI/SSP 10% discount.

There are about 1,300 customers receiving electric discounts, almost 900 receiving refuse discounts and about 300 receiving water/wastewater discounts. The actual number of customers on these discount programs varies due to both different eligibility criteria and the fact that not all customers pay each of these bills. For example, a landlord might pay water and sewer and the tenant pays refuse and electric.

This recommendation is based on the fundamental concept that the City should have one set of eligibility criteria for its discount programs, although the amount of the discount may vary among the utilities; and, they would be set by resolution. This will allow one administrative process for approval rather than two or three.

The text of the proposed ordinance is as follows:

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

### **13.04.130 Low income adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this Title. Proof of eligibility will be required by the city to qualify for the rate adjustments provided herein.

A draft of the implementing resolution is attached, with the recommended discounts. The annual cost to the utilities, making various assumptions as to how many customers will seek the discounts is shown below.

#### Assumptions

- 95% of existing SHARE program customers would receive the discounts. This accounts for residential units in which the landlord pays the utility bill. No change is proposed to the eligibility criteria, so we have not assumed an increase in the number of SHARE customers.
- 100% of existing Senior/Fixed Income program customers will receive the discounts.
- Same mix of billing classifications as current customers.
- The discount percentages as recommended:

	<u>SHARE</u>	<u>Sr./Fixed Income</u>
Refuse	30%	10%
Water	20%	10%
Wastewater	20%	10%

#### Costs (Revenue Loss)

- "Cost" (actually a loss in revenue) is shown below. This is the total less estimated cost of existing program (annual).

	<u>SHARE</u>	<u>Sr./Fixed Income</u>
Refuse	\$ 7,930	\$ 2,800
Water	\$ 60,300	\$ 3,300
Wastewater	\$ 46,700	\$ 2,500

- The equivalent "cost" to other rate payers in terms of lost revenue is approximately 8 to 27 cents per month.

Staff also notes that Central Valley Waste Services has reviewed the proposed discounts and has sent a letter stating their concurrence (see attached).

The ongoing verification of eligibility will be handled by the Finance Department, generally on an annual basis, depending on the circumstances under which a customer qualifies.

**FUNDING:** Administration costs would be borne by the Electric, Water and Wastewater funds and revenue loss would occur in each of the four revenue funds.

---

James R. Krueger, Finance Director

---

Richard C. Prima, Jr.  
Public Works Director

RCP/pmf  
Attachments  
cc: Alan Vallow, Electric Utility Director  
Jim Krueger, Finance Director

## **Exhibit A**

### **Refuse Rate Reduction Program**

Residential customers may apply for a reduction in their rate due to personal economic hardship. The rate reduction is actually a set rate depending on the size of the cart. 20-gallon carts are currently at a rate of \$8.24 and the 38-gallon cart at \$10.30. The criteria for this program is proof of income that meets the following guidelines:

One person in household      \$12,000/year

Each additional person add    \$2,000/year

Once application is approved there is no follow-up procedure to verify continued eligibility.

### **SHARE Program**

This program allows residential customers to apply for a discount of 20% on their monthly utility bill. The criteria for this program is proof of income that meets the following guidelines:

<u>Number of Persons in Household</u>	<u>Maximum Annual Household Income</u>
1-2	\$22,000
3	\$25,900
4	\$31,100
Each additional member	\$5,200

Once the application is approved, it is up to the applicant to notify the Finance Department within 30 days of becoming ineligible for the program.

### **SSI & SSP Recipient Discount Program**

If a resident receives SSI or SSP, they may be eligible for a 10% discount on Water, Sewer and Refuse rates. Once the application is filled out, the Finance Department will send the form to the Social Security Administration to verify eligibility. Once approved, there is no follow-up procedure to verify continued eligibility.

### **Senior Fixed Income Program**

This program allows for residential customers over the age of 62 with a maximum household income of \$45,000 to apply for a 5% discount on their monthly electric bill.

## SHARE Program Discounts

Utility	# of Customers w/discount	Old Rates	Old Discount	Total Annual Revenue Loss	New rates (May 2004)	Proposed Discount	Proposed Discounted Rate	Estimated # of Eligible Customers	Est. Revenue Loss w/ New Discount Shown	Net Increase in Revenue Loss	Total Utility Revenue, Old	Total % Loss, New Total % Loss	Approximate Amount on New Rate
			Rate										
<b>Refuse</b>													
(38 gallon)	580	\$19.12	\$10.30	\$61,387.20	\$19.64	30%	\$13.75	918	\$64,906.27		\$ 7,021,800		\$0.23
(20 gallon)	<u>233</u>	\$13.01	\$8.24	<u>\$13,336.92</u>	\$13.36	30%	\$9.35	369	<u>\$17,747.42</u>			1.1%	\$0.16
	813			Subtotal: \$74,724.12				Subtotal:	\$82,653.70	\$7,929.58		1.2%	
<b>Water</b>													
				10% (not incl. infrastructure repl. chg.)			20% (on total charge)						
apartment, 1 bedroom	78	\$11.60	\$10.86	\$694.51	\$15.66		\$12.53	338	\$12,703.39				\$0.13
apartment, 2 bedroom	48	\$13.91	\$13.02	\$512.64	\$18.78		\$15.02	208	\$9,374.98				\$0.16
apartment, 3 bedroom	2	\$16.69	\$15.62	\$25.63	\$22.53		\$18.02	9	\$486.65				\$0.19
house, 1 bedroom	22	\$13.51	\$12.65	\$228.36	\$18.24		\$14.59	95	\$4,158.72				\$0.15
house, 2 bedroom	75	\$16.22	\$15.18	\$934.20	\$21.90		\$17.52	325	\$17,082.00	Old:	\$5,682,845		\$0.18
house, 3 bedroom	66	\$19.45	\$18.21	\$986.04	\$26.26		\$21.01	286	\$18,024.86			0.1%	\$0.22
house, 4 bedroom	<u>6</u>	\$23.36	\$21.87	<u>\$107.64</u>	\$31.54		\$25.23	26	<u>\$1,968.10</u>	New:	\$7,663,316		\$0.26
	297			Subtotal: \$3,489.02				Subtotal:	\$63,798.70	\$60,309.67		0.8%	
<b>Wastewater</b>													
				10% (not incl. infrastructure repl. chg.)			20% (on total charge)						
house, 1 bedroom	100	\$9.73	\$9.20	\$640.80	\$12.16		\$9.73	433	\$12,636.67				\$0.08
house, 2 bedroom	123	\$12.97	\$12.26	\$1,050.91	\$16.21		\$12.97	533	\$20,735.83	Old:	\$6,079,083		\$0.10
house, 3 bedroom	68	\$16.21	\$15.32	\$726.24	\$20.27		\$16.22	295	\$14,351.16			0.0%	\$0.13
house, 4 bedroom	<u>6</u>	\$19.46	\$17.93	\$110.02	\$24.32		\$19.46	26	<u>\$1,517.57</u>	New:	\$7,615,375		\$0.16
	297			Subtotal: \$2,527.97				Subtotal:	\$49,241.23	\$46,713.26		0.6%	

### Notes:

\*Out of the 1355 Electric(SHARE Program) discounts, 209 also have water discounts and 211 have wastewater discounts

Assuming all but 5% of existing SHARE Customers will receive discount

1355      95%      1287

## Senior/Fixed Income Program Discounts

<u>Utility</u>	<u># of Customers w/discount*</u>	<u>Old Rates</u>	<u>Old</u>	<u>Total</u>	<u>New rates (May 2004)</u>	<u>Proposed Discount</u>	<u>Proposed</u>	<u>Estimated # of Eligible Customers</u>	<u>Est. Revenue</u>	<u>Net Increase in Revenue Loss</u>	<u>Total Utility Revenue, Old</u>	<u>Approximate Amount on New Rate</u>
			<u>Discount Rate</u>	<u>Annual Revenue Loss</u>			<u>Discounted Rate</u>		<u>Loss w/ New Discount Shown</u>		<u>Total % Loss, New Total % Loss</u>	
<b>Refuse</b>												
(38 gallon)	0	\$19.12	\$10.30	\$0.00	\$19.64	10%	\$17.68	93	\$2,191.82		\$ 7,021,800	\$0.01
(20 gallon)	0	\$13.01	\$8.24	\$0.00	\$13.36	10%	\$12.02	37	\$593.18		0.0%	\$0.01
	0		Subtotal:	\$0.00				Subtotal:	\$2,785.01	\$2,785.01	0.0%	
<b>Water</b>												
				0% (not incl. infrastructure repl. chg.)			10% (on total charge)					
apartment, 1 bedroom	0	\$11.60	\$11.60	\$0.00	\$15.66		\$14.09	34	\$638.93			\$0.01
apartment, 2 bedroom	0	\$13.91	\$13.91	\$0.00	\$18.78		\$16.90	21	\$473.26			\$0.01
apartment, 3 bedroom	0	\$16.69	\$16.69	\$0.00	\$22.53		\$20.28	1	\$27.04			\$0.01
house, 1 bedroom	0	\$13.51	\$13.51	\$0.00	\$18.24		\$16.42	10	\$218.88			\$0.01
house, 2 bedroom	0	\$16.22	\$16.22	\$0.00	\$21.90		\$19.71	33	\$867.24	Old:	\$5,682,845	\$0.01
house, 3 bedroom	0	\$19.45	\$19.45	\$0.00	\$26.26		\$23.63	29	\$913.85		0.0%	\$0.01
house, 4 bedroom	0	\$23.36	\$23.36	\$0.00	\$31.54		\$28.39	3	\$113.54	New:	\$7,663,316	\$0.01
	0		Subtotal:	\$0.00				Subtotal:	\$3,252.73	\$3,252.73	0.0%	
<b>Wastewater</b>												
				0% (not incl. infrastructure repl. chg.)			10% (on total charge)					
house, 1 bedroom	0	\$9.73	\$9.73	\$0.00	\$12.16		\$10.94	44	\$642.05			\$0.00
house, 2 bedroom	0	\$12.97	\$12.97	\$0.00	\$16.21		\$14.59	54	\$1,050.41	Old:	\$6,079,083	\$0.01
house, 3 bedroom	0	\$16.21	\$16.21	\$0.00	\$20.27		\$18.24	30	\$729.72		0.0%	\$0.01
house, 4 bedroom	0	\$19.46	\$19.46	\$0.00	\$24.32		\$21.89	3	\$87.55	New:	\$7,615,375	\$0.01
	0		Subtotal:	\$0.00				Subtotal:	\$2,509.73	\$2,509.73	0.0%	

### Notes:

\*130 existing Electric Sr./Fixed Income customers; proposed new program for these utilities.

Assuming all existing electric Sr/Fixed income customers will receive discount

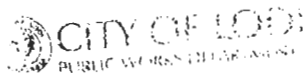
130      100%      130





RECEIVED

MAY 17 2004



May 14, 2004

**Central Valley Waste Services, Inc.**  
A WASTE MANAGEMENT COMPANY

1333 E. Turner Road  
P.O. Box 241001  
Lodi, California 95241-9501  
(209) 369-8274  
(209) 369-6894 Fax

Mr. Richard C. Prima, Jr.  
Public Works Director  
City of Lodi – Public Works Department  
221 West Pine Street  
Post Office Box 3006  
Lodi, CA 95241-1910

Re: Utility Discounts

Dear Mr. Prima

Thank you for the information and discussion regarding Staff's proposal to the Lodi City Council on the Utility Discounts.

Central Valley Waste Services supports Staff's proposal regarding the 30% Share Program Discount and the 10% Senior/Fixed Income Program Discount.

If you have questions please call me at (209) 333-5611.

Sincerely

Luana A. Pinasco  
District Manager  
Central Valley Waste Services

cc.: Mr. Alex Oseguera, Sacramento Market Area Manager/WMI

ORDINANCE NO. 1750

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING CHAPTER 13.04 OF THE LODI MUNICIPAL CODE BY  
REPEALING AND REENACTING SECTION 13.04.130, RELATING TO  
LOW-INCOME ADJUSTMENTS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 13.04 – “Service Generally” - is hereby amended by repealing and reenacting §13.04.130, relating to low-income adjustments to read as follows:

**13.04.130 Low Income Adjustments.**

The rates for residential water, sewer, and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this Title. Proof of eligibility will be required by the city to qualify for the rate adjustments provided herein.

SECTION 2. This ordinance is adopted under Government Code §36934 based on health, safety, and welfare considerations arising from: (1) the City of Lodi’s consideration of increased utility rates if adopted take effect prior to the City’s ability to institute the low-income discounts considered herein; (2) If the increases are adopted prior to institution of the discounts, Lodi’s low-income community may suffer financial hardship or inability to afford critical health and sanitary services.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====  
State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1750 was introduced at a regular meeting of the City Council of the City of Lodi held August 4, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1750 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING LOW-INCOME DISCOUNTS FOR  
WATER, SEWER, AND REFUSE SERVICES

=====

WHEREAS, with the implementation of new water, sewer, and refuse rates and charges adopted April 27, 2004, the Lodi City Council has now introduced Ordinance No. 1750 amending Lodi Municipal Code Chapter 13.04, §13.04.130, "Low Income Adjustments," at its August 4, 2004, City Council meeting; and

WHEREAS, the City Council now desires to adopt a resolution establishing discounts for eligible low-income residents.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve and establish low-income discounts for water, sewer, and refuse services as shown below, which shall become effective the first billing period following the effective date of Ordinance:

For Residential Customers who qualify for the Electric SHARE Program discount:

Water	20%	Discount on the Residential Flat Rate
Wastewater	20%	Discount on the Residential Flat Rate for Disposal to the Domestic System
Refuse	30%	Discount for Cart Service Categories 1, 2, 3, 4, and 5

OR,

For Residential Customers who qualify for the Electric Senior/Fixed-Income discount:

Water	10%	Discount on the Residential Flat Rate
Wastewater	10%	Discount on the Residential Flat Rate for Disposal to the Domestic System
Refuse	10%	Discount for Cart Service Categories 1, 2, 3, 4, and 5

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi at its regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt a resolution authorizing the City Manager to allocate various funds for the Lodi CARE Package Program; and to execute a contract with the Salvation Army to administer the program (\$105,000)

**MEETING DATE:** August 4, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to allocate various funds for the Lodi CARE Package Program; and to execute a contract with the Salvation Army to administer the program.

**BACKGROUND INFORMATION:** In partnership with the Lodi Salvation Army, Central Valley Waste, the City of Lodi Public Works and Finance departments, the City of Lodi Electric Utility has developed the Lodi CARE (Customer Assistance & Relief on Energy) Program\*.

The Lodi CARE Package is designed to provide assistance to Lodi families- who are below the current federal income guidelines- in the payment of their City of Lodi utility bill. Specifically, the Lodi CARE Package will provide a relief payment of \$125.00 (maximum) for eligible families. Other program specifics include:

- a family in need will be interviewed by staff of the Lodi Salvation Army, and must meet eligibility requirements (*please see attached Exhibit "A"- Eligibility Requirements*);
- if approved by staff from the Lodi Salvation Army at their Lockeford Street offices, the Lodi Salvation Army will then notify the City of Lodi Finance Department of eligible customer name, and amount of relief payment; City of Lodi Finance staff will input appropriate payment data in customer's account;
- the Salvation Army will also notify the City of Lodi Electric Utility Department of approved customers; these customers will automatically be enrolled in the Lodi Energy Audit Program, and receive a free, in-home energy audit (Electric Utility staff will also deliver important customer information regarding water conservation and services available through Central Valley Waste);
- customers are eligible for a maximum grant of \$125 every six months;
- a new set of income guidelines has been developed for this program, which the Lodi Salvation Army will utilize as a part of the customer eligibility screening process (*please see attached Exhibit "B"*).

As mentioned above, several entities are partnering to ensure success of this program. Below is a listing of those agencies/departments, and the financial resources committed by each to fund this effort:

- Central Valley Waste, \$15,000 (this contribution will fund the refuse relief component);

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Adopt a resolution authorizing the City Manager  
to allocate various funds for the Lodi CARE Package  
Program; and to execute a contract with the  
Salvation Army to administer the program (\$105,000)  
August 4, 2004  
Page 2

- City of Lodi Electric Utility, \$60,000 (this contribution will fund the program administration, customer outreach & material preparation costs, as well as the electric utility relief component);
- City of Lodi Public Works, \$30,000 (this contribution will fund the water and wastewater relief components);
- City of Lodi Finance Department;
- Lodi Salvation Army.

The Lodi CARE Package has been created to assist families in crisis. The relief payments are designed to provide a level of assistance during their hardship. The \$125 maximum relief payment was developed following careful research by City of Lodi staff. It was determined that a customer- *currently participating in the City's low-income electric utility rate discount program (known as the SHARE Program)* – had an average utility bill of \$120 per month. The Lodi CARE Package Program is being provided to customers in need, solely as a hand-up, rather than a hand-out, during their difficult financial time.

Also by way of this Council action, city staff is recommending approval of a contract with the Salvation Army. The Salvation Army has been selected to administer the program, and provide the necessary customer screening services at their offices located on Lockeford Street here in Lodi. The Salvation Army currently administers similar programs for the State of California and Pacific Gas & Electric Company (*please see attached "Contract"*). Electric Utility staff will serve as the City of Lodi's point of contact for the program, frequently meeting with Salvation Army staff on document filing, customer follow-up, management of the budget, etc.

Electric Utility, Finance and Public Works staff, in conjunction with Central Valley Waste and the Lodi Salvation Army, respectfully recommend approval of these funds, as well as execution of the contract, to implement the Lodi CARE Package Program.

*\*The Lodi CARE Package Program was initially presented to the Lodi City Council during a Shirtsleeve Session on Tuesday, May 4, 2004.*

**FUNDING:** 164606 Public Benefits (Category: Low-Income Services); \$60,000  
Water Fund \$15,000 Sewer Fund \$15,000

**Funding Approval:**

\_\_\_\_\_  
Jim Krueger, Finance Director

\_\_\_\_\_  
Richard Prima  
Public Works Director

\_\_\_\_\_  
Alan N. Vallow  
Electric Utility Director

**PREPARED BY:** Rob Lechner, Manager of Customer Services & Programs

ANV/mdw

Attachments

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE  
CITY MANAGER TO ALLOCATE VARIOUS FUNDS FOR THE LODI  
CARE PACKAGE PROGRAM, AND FURTHER AUTHORIZING THE  
CITY MANAGER TO EXECUTE A CONTRACT WITH THE  
SALVATION ARMY TO ADMINISTER THE PROGRAM

=====

WHEREAS, the Lodi Customer Assistance & Relief Energy (CARE) Package Program is designed to provide assistance to Lodi families who are below the current federal income guidelines in the payment of their City of Lodi utility bill; and

WHEREAS, specifically, the Lodi CARE Package Program will provide a relief payment of \$125.00 maximum for eligible families, and other program specifics include the following:

- a family in need will be interviewed by staff of the Lodi Salvation Army and must meet eligibility requirements (*please see attached Exhibit "A"- Eligibility Requirements*);
- if approved by staff from the Lodi Salvation Army at its Lockeford Street offices, the Lodi Salvation Army will then notify the City of Lodi Finance Department of eligible customer name and amount of relief payment; City of Lodi Finance staff will input appropriate payment data into customer's account;
- the Salvation Army will also notify the City of Lodi Electric Utility Department of approved customers; these customers will automatically be enrolled in the Lodi Energy Audit Program and receive a free, in-home energy audit (Electric Utility staff will also deliver important customer information regarding water conservation and services available through Central Valley Waste Services);
- customers are eligible for a maximum grant of \$125 every six months;
- a new set of income guidelines has been developed for this program, which the Lodi Salvation Army will utilize as a part of the customer eligibility screening process (*please see attached Exhibit "B"*).

WHEREAS, several entities are partnering to ensure success of this program, and listed below are the agencies/departments and the financial resources committed by each to fund this effort:

- Central Valley Waste Services, \$15,000 (this contribution will fund the refuse relief component);
- City of Lodi Electric Utility, \$60,000 (this contribution will fund the program administration, customer outreach and material preparation costs, as well as the electric utility relief component);
- City of Lodi Public Works, \$30,000 (this contribution will fund the water and wastewater relief components);

- City of Lodi Finance Department; and
- Lodi Salvation Army.

WHEREAS, staff recommends approval of a contract with the Salvation Army to administer the program and provide the necessary customer screening services at its offices located on Lockeford Street in Lodi, with the Electric Utility staff serving as the City's point of contact for the program, frequently meeting with Salvation Army staff on document filing, customer follow-up, management of the budget, etc.; and

WHEREAS, Electric Utility, Finance, and Public Works staff, in conjunction with Central Valley Waste Services and the Lodi Salvation Army, recommend approval of these funds, as well as execution of the contract, to implement the Lodi CARE Package Program.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to allocate various funds for the Lodi CARE Package Program in the amount of \$105,000; and

BE IT FURTHER RESOLVED that the City Manager is authorized and directed to execute a contract with the Salvation Army to administer the program.

Dated: August 4, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
 NOES: COUNCIL MEMBERS –  
 ABSENT: COUNCIL MEMBERS –  
 ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
 City Clerk

2004-\_\_\_\_



## **CONTRACT**

This contract between The City of Lodi (hereinafter "Lodi") and The Salvation Army, a California Corporation (hereinafter "T.S.A."), sets forth the terms and conditions under which T.S.A. will provide the services described herein. Lodi and T.S.A. agree as follows:

### **SCOPE OF SERVICES**

T.S.A. agrees to administer the ***Lodi CARE Package*** pilot project for the City of Lodi, in strict conformity with the terms and conditions of this contract. T.S.A. will provide the following services to Lodi under this agreement:

- ✓ Maintain and monitor a customer grant budget of \$84,000, which concludes August 30, 2005, or sooner, if funds are depleted (*see 'Terms of Agreement' below for additional guidelines*);
- ✓ Provide all customer interface, screening for customer eligibility (pursuant to the eligibility requirements set forth in Exhibit "A,") and approve customer participation for a customer grant under this pilot program, for benefits at those levels prescribed in Exhibit "B";
- ✓ Notify the City of Lodi Finance Department through a designated procedure any/all customers approved for a "grant" under this pilot program;
- ✓ Notify the City of Lodi Electric Utility on a bi-monthly basis, and provide the utility with the names of those approved customers participating in this pilot program;
- ✓ Maintain and monitor, in conjunction with the City of Lodi Electric Utility, a \$16,000 (not to exceed figure) pilot program administrative budget.

### **TERMS OF AGREEMENT**

The term of this agreement shall be from the earliest possible implementation date after Lodi City Council approval, through August 30, 2005, or until the entire \$105,000 pilot program budget has been expended. *A. In the event that the customer "grant" monies (which total \$84,000) are exhausted prior to 8/30/05, and there are funds left in T.S.A. administration budget (which total \$16,000), T.S.A. will return all remaining funds to Lodi. B. In the event that T.S.A. administration budget is exhausted prior to 8/30/05, and there are funds remaining in the customer "grant" budget, Lodi will retain the option of continuing the pilot program and pay T.S.A. for its additional administrative costs.*

*(Note: the additional \$5,000 allocated for this pilot project is for material production and other administrative costs.)*

### **ADVERTISING, MARKETING, AND PUBLIC RELATIONS**

All advertising, marketing and/or public relations will be the sole responsibility of Lodi, which includes all costs associated with any promotional material and/or ad campaigns, as well as costs associated with the development and production of program brochures and program participant applications. T.S.A. agrees to provide consulting services to Lodi on potential market groups or targeted audiences.

### **INSURANCE**

For actions performed under this agreement, T.S.A. agrees to maintain all necessary insurance requirements set forth by Lodi (as identified in the instructions/requirements for insurance coverage page).

### **CONTRACT PRICE AND TERMS**

T.S.A. will invoice for all administrative work performed at a rate of \$1,333.00 per month for this project. The total administrative budget for this pilot project is set at \$16,000.00 (not to exceed figure). In addition, T.S.A. will manage the distribution of the customer “grant” monies, which total \$84,000 in this pilot program. Invoices will be submitted to Lodi the first of each month, payable within thirty (30) days of the invoice date.

### **COMPLIANCE WITH LICENSES-**

(NOTE: No additional anticipated licenses required to comply with this project.)

### **INDEMNITY CLAUSE**

T.S.A. shall indemnify, defend, and hold harmless the City of Lodi, the City of Lodi Electric Utility, it's City Council, Directors, Officers, Agents, and employees against all claims, loss, damage, expense, and liability arising out of, or in any way connected with the performance of this contract and excepting only such loss, damage, or liability as may be caused by the intentional acts or sole negligence of the City of Lodi, and the City of Lodi Electric Utility.

***LODI CARE PACKAGE***  
**CONTRACT ACCEPTANCE**

---

THE ABOVE TERMS AND CONDITIONS ARE AGREED UPON, AND ACCEPTED  
ON THIS \_\_\_\_\_ DAY OF AUGUST, 2004.

---

The Salvation Army

---

City Manager, City of Lodi

---

City Attorney, City of Lodi

**SEAL OF CITY OF LODI CLERK**

# Lodi CARE Package

## **EXHIBIT “A”**

### Eligibility Requirements:

- must meet income guidelines as established in Exhibit “B;”
- customer has *not* received assistance through the Lodi CARE Package Program in the past six (6) months;
- customer must present (in person) appropriate documentation of the following in order to qualify for a relief payment-
  - current City of Lodi utility statement;
  - ID/Social Security Cards for ALL members of the household, and driver’s license or California ID card of the person listed on the utility account;
  - proof of current income (i.e.: pay stub, grant letter, etc.)- handwritten notes are *not* acceptable;
  - copy of rental agreement;
  - proof of unexpected expenses (within the last sixty days), resulting in the inability to or hardship in paying City of Lodi utility account;
  - City of Lodi receipt for customer’s co-payment, if applicable/necessary;
- customer must consent to a free, in-home energy audit, once their relief payment has been approved.

## Lodi CARE Package

### **EXHIBIT “B”**

#### Benefit Levels:

- \$125.00 per eligible customer service address/account;
- one relief payment in a six-month period; no more than two (2) relief payments in 12 months.

#### Lodi CARE Package Income Levels:

> 1-2	persons in household	\$16,000 (maximum)
> 3	persons in household	\$20,000 ( “ ” )
> 4	persons in household	\$25,500 ( “ ” )
> 5	persons in household	\$31,000 ( “ ” )
> 6	persons or more in household	\$36,500 ( “ ” )



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize Mayor Hansen to negotiate a contract for the services of an executive search firm for purposes of recruiting a new City Manager for the City of Lodi

**MEETING DATE:** Wednesday, August 4, 2004

---

**RECOMMENDED ACTION:** That the City Council authorize Mayor Hansen to negotiate a contract for the services of an executive search firm for the purposes of recruiting a new City Manager for the City of Lodi.

**BACKGROUND INFORMATION:** The City Manager recently submitted his resignation resulting in an upcoming vacancy in this position. Subsequently, the Mayor requested that search firms be identified and asked to submit information regarding their respective companies and their abilities to perform an executive recruitment. The City Council will review the information that is presented and select firms to be interviewed based upon their familiarity with the northern California labor market and quality of the services they will perform. Information from interested firms is due on July 30<sup>th</sup>, past the deadline for this communication and will be made available to the City Council prior to the meeting.

**COST:** Specific information on cost will be presented by each firm. It is estimated that the cost will be approximately \$20,000 plus ancillary costs of about \$6,500.

**FUNDING:** To be determined.

Funding Approval:

---

James Krueger, Finance Director

Respectfully submitted,

---

Joanne M. Narloch, Human Resources Director

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and appropriate action regarding Adoption of Resolution electing to withdraw from the CalPERS Medical Program (Public Employee's Medical and Hospital Care Act)

**MEETING DATE:** Wednesday, August 4<sup>th</sup>, 2004

**PREPARED BY:** Risk Manager

---

**RECOMMENDED ACTION:** That Council discuss and possibly adopt the attached Resolution of the Lodi City Council Electing to Cease to be Subject to the Public Employees' Medical and Hospital Care Act.

**BACKGROUND INFORMATION:** Staff is recommending withdrawal of the City of Lodi from the CalPERS Medical Program primarily for the following reasons:

- Elimination of Sutter Hospitals and providers' medical groups from the CalPERS Blue Shield Network for 2005
- Reduction in HMO health plans (from four to one)
- Historical premium trend (Blue Shield: 2003-23%, 2004-18%, 2005-23.7%)
- Institution of regional rating for 2005
- Annual premium increase for 2005

The City recently received medical insurance rate increases from CalPERS, which included an HMO increase of 23.71%. Most employees (84%) are members of this HMO. These increases present the City with additional expenditures for active City employees in calendar 2005 approximately \$724,332 greater than 2004. A primary factor driving this increase is CalPERS' new practice of "regional rating". This drives rates up in northern California while lowering them in southern California. CalPERS Medical Program members in the Los Angeles area will realize rate decreases of as much as 8.7%. The HMO premium increase for State employees will increase, but only by 11.4%, not the 23.71% facing northern California cities.

The City's benefits broker, ABD Insurance & Financial Services, has located a possible alternative medical insurance provider; PacifiCare. After initial quotes were provided, PacifiCare subsequently reduced its rates for both active employees and retirees. As is currently available with CalPERS, Kaiser would also be an optional carrier along with PacifiCare. Preliminary rate estimates have increased unexpectedly, but are not 100% final – the potential still exists they may come in lower. PacifiCare/Kaiser's rates for active City employees in calendar 2005 represent additional expenditures in calendar 2005 approximately \$353,970 greater than calendar 2004. This generates a savings of \$370,362 when compared to the CalPERS increase.

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

The City Manager had conducted meetings with representatives of the City's various bargaining groups, active City employees, as well as retirees. At these meetings many questions were asked regarding the possible transition to a new health carrier and answers were provided. A written FAQ sheet was e-mailed or U.S. post mailed to those who could not attend.

The decision before Council today is not to definitively select a new medical carrier, but to decide on whether the City should leave the CalPERS Medical Program. A new carrier must be selected in the month of September. This communication was prepared prior to receiving word from all bargaining groups regarding their participation in the potential change. Preliminary feedback is that most would not object to a transition away from the CalPERS Medical Program. However, Council has reviewed the letter from Lodi Professional Firefighters stating they "believe it is in the best interest of the City, and their firefighters to stay with CalPERS medical plans." Staff has learned that since the City of Lodi entered the CalPERS Medical Program as one entity, if it chooses to leave, it must do so the same way – as one entire entity. It is not possible for individual City of Lodi bargaining groups to remain in the program. As this communication is being written, meetings are being set up with Lodi Professional Firefighters to ascertain what their specific concerns are regarding this possible change, and whether PacifiCare or the City can address those concerns.

There are no guarantees that future CalPERS rate increases will not continue to come in at unacceptable levels. Other northern California cities have left (Yuba City, Folsom) and are considering withdrawing from CalPERS. This will leave behind those that have difficulty finding alternative health carriers, e.g., cities that use medical services and facilities to a relatively high degree. This would only serve to make remaining northern California CalPERS Medical Program members the more expensive users of the system – creating further pressure to drive up rates.

Concern has been expressed by City staff that PacifiCare rates could increase dramatically in future years. In a letter presented at the Council shirtsleeve 7/27/04, Heidi Duncan, Senior Business Manager for PacifiCare, does offer retention and health care cost trend guarantees relative to their 2006 rate. In no way do these guarantees assure the entire rate increase for 2006 will be capped, but specific components of it will be. The 2005 CalPERS rate increase will raise the annual medical bill for active employees to a level such that if CalPERS only raised their rates by 18% in 2006 (this was their increase in 2004), PacifiCare would have to raise their rates by 28% in order to reach an equivalent medical bill for the year. In other words, the City is money ahead if it transitions to PacifiCare and their increase in 2006 is any figure less than 28%.

Given the City of Lodi must now make every effort toward reducing expenditures to bring them in line with revenues, and we have a savings of \$370,362 available to us over calendar year 2005 (potentially from a program that provides benefits equivalent or superior to CalPERS) it is staff's recommendation the City withdraw from the CalPERS Medical Plan. In the next few weeks we will finalize procurement of a new medical carrier, and bring this back to Council for approval.

Representatives from ABD and PacifiCare will be present at this Council meeting to answer any questions Council members may have. As a reminder, any decision by the City to withdraw from the CalPERS Medical Program requires adoption of a resolution to this effect by August 14<sup>th</sup>, 2004.

**FUNDING:** Not Applicable

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Kirk J. Evans  
Risk Manager



A RESOLUTION OF THE LODI CITY COUNCIL ELECTING  
TO CEASE TO BE SUBJECT TO THE PUBLIC  
EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

=====

WHEREAS, Government Code Section 22938 provides that a local agency which has elected to be subject to the Public Employees' Medical and Hospital Care Act may cease to be so subject by proper application by the local agency; and

WHEREAS, the City of Lodi, hereinafter referred to as Public Agency is a local agency which has elected to be subject to the provisions of the Act;

NOW, THEREFORE, BE IT RESOLVED, that the Public Agency elect, and it does hereby elect, to cease to be subject to the provisions of the Act; and

BE IT FURTHER RESOLVED, that coverage of the Act cease on December 31, 2004.

Approved this 4<sup>th</sup> day of August, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES; COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Appropriate Action Regarding the Appointment of an Interim City Manager

**MEETING DATE:** August 4, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council discuss and take appropriate action regarding the appointment of an Interim City Manager.

**BACKGROUND INFORMATION:** This item appears on the agenda at the request of Mayor Hansen.

**FUNDING:** To be determined.

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Susan J. Blackston  
City Clerk

SJB/jmp

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Consider 1) Adoption of an Urgency Ordinance Imposing a ¼-cent sales tax subject to approval of a majority of the Lodi electorate; 2) adoption of a Resolution Submitting a ¼-cent Sales Tax Initiative and Companion Advisory Measure to a vote of the Electorate of the City of Lodi on November 2, 2004, Setting Priorities for Filing Written Arguments, and Directing the City Attorney to prepare an Impartial Analysis; and 3) Approval of a Special Allocation of \$10,000 to the Elections Fund

**MEETING DATE:** Wednesday, August 4, 2004

**PREPARED BY:** D. Stephen Schwabauer, City Attorney

**RECOMMENDED ACTION:** Consider: 1) Adoption of an Urgency Ordinance Imposing a ¼-cent sales tax subject to approval of a majority of the Lodi electorate; 2) Adoption of a Resolution Submitting a ¼-cent Sales Tax Initiative and Companion Advisory Measure to a Vote of the Electorate of the City of Lodi on November 2, 2004, Setting Priorities for Filing Written Arguments, and Directing the City Attorney to prepare an Impartial Analysis; and 3) Approval of a Special Allocation of \$10,000 to the Elections Fund.

**BACKGROUND INFORMATION:** This item comes before Council at the request of Mayor Pro Tempore Beckman. As Council is aware, a local citizens group has been considering a signature drive to put a ¼-cent sales tax initiative on the ballot with a companion advisory measure prioritizing a list of City projects that could be funded with the revenue derived therefrom. The Initiative has a 10-year sunset clause. Mayor Pro Tempore Beckman proposes that the Council consider using its own initiative power to place the sales tax measure on the ballot for the November 2, 2004 election. This would obviate the need for a signature drive.

In order to pursue the Council sponsored initiative route, Council must first adopt an urgency ordinance imposing the tax subject to approval by a majority of the Lodi electorate. Proposition 62 (Government Code Section 53724(a)) requires that a general tax be proposed by a 2/3's vote of the council, in our case, four votes. An urgency ordinance requires approval by 2/3's vote as well. The proposed initiative calls for the assessment of a general tax, i.e. once levied it can be used for any general governmental purpose and therefore must pass by a simple majority vote of the electorate. The enactment of a general tax must be consolidated with a regularly scheduled general election unless the Council finds an emergency by unanimous vote. (Cal. Const. art. XIII C § 2(b) "No local government may impose . . . any general tax unless and until the tax is submitted to the electorate and approved by a majority vote. . . . The election required by this subdivision shall be consolidated with a regularly scheduled general election . . . except in cases of emergency declared by a unanimous vote of the governing body." ). However, if the citizens group itself collects signatures to put the initiative on the ballot, it may be able to proceed via special election, since the tax is not imposed by the local government.

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

The sales tax initiative would be accompanied by an advisory measure that would give Lodi Citizens the opportunity to voice their opinion on how the revenue should be spent. The advisory measure would list a group of projects that are currently on hold such as placing paramedics on Lodi fire trucks, building an indoor sports center, building an aquatics center and developing Debenedetti Park, and constructing and operating a new Animal Shelter. The companion measure is advisory only and would not be binding on the City.

Finance Director James Krueger estimates the proposed initiative would raise approximately 2.2 million dollars per year. Because this election was not in the clerk's budget, it would require a special allocation of \$10,000 (the high estimate provided by the San Joaquin County Registrar) to the Elections Fund to pay the cost of placing the measure on the ballot.

I have prepared this staff report and agenda title. However, the proposed resolution has been paid for and drafted by the Citizens group's counsel at a well-respected municipal law firm, Best Best and Krieger. I have reviewed and approved their resolution.

**FUNDING:** up to \$10,000, Elections Fund 100102

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D. Stephen Schwabauer  
City Attorney

Approved:

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Jim Krueger, Finance Director

ORDINANCE NO. 1751

AN URGENCY ORDINANCE OF THE CITY OF LODI IMPOSING A  
TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE  
STATE BOARD OF EQUALIZATION AND ADDING CHAPTER  
3.09 TO THE LODI MUNICIPAL CODE

=====

WHEREAS, the City of Lodi's Revised Budget for 2004-2005 shows an approximately \$1.9 million shortfall in the amount of revenue relative to the amount of expenditures; and

WHEREAS, the State budget will likely involve significant funding cuts for cities, and there are currently insufficient alternative sources for funding local governments; and

WHEREAS, the City's 2004-2005 Financial Plan and Budget states that "the City will seek to maintain a diversified and stable revenue base to protect it from short-term fluctuations in any one revenue source" and that "the City will make all current expenditures with current revenues, avoiding procedures that balance current budgets by accruing future revenues, rolling over short-term debt or borrowing reserves of one fund to another"; and

WHEREAS, in light of the budget shortfall and decreasing funding from the State, the City cannot currently fund many important capital projects and thus has a vital need to increase its revenue to finance critical public projects, facilities, and services; and

WHEREAS, the City's Finance Director has estimated that a one quarter cent increase in the City's transactions and use tax would result in \$2.2 million dollars in revenue annually; and

WHEREAS, Government Code Section 36937 permits cities to enact urgency ordinances for the immediate preservation of the public peace, health, and safety; and

WHEREAS, the City Council hereby finds that, because of the inability to fund critical public projects, facilities, and services, an increase in the transactions and use tax is necessary for the immediate preservation of the public peace, health, and safety.

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

SECTION 1. The Lodi Municipal Code is hereby amended by the addition of Chapter 3.09, which shall read as follows:

"3.09.010. Title and Effect.

This chapter shall be known as the Lodi Transactions and Use Tax Ordinance. This chapter shall be applicable in the incorporated territory of the City of Lodi ("City"). This chapter shall complement, and not replace or supersede, the City's existing sales and use tax, as such tax is described in Chapter 3.08 of the Municipal Code.

### 3.09.020. Operative Date

As used in Chapter 3.09, "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter. If this chapter is approved by the City Council, and subsequently approved by the voters at the November 2004 election, the operative date shall be April 1, 2005.

### 3.09.030. Purpose

This chapter is adopted to achieve the following, among other purposes, and the City Council directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose retail transactions and use tax regulations in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this chapter, which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt retail transactions and use tax regulations that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt retail transactions and use tax regulations that impose a tax and provide a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt retail transactions and use tax regulations that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

### 3.09.040. Contract with State.

Prior to the Operative Date of April 1, 2005, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of these transactions and use tax regulations; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

### 3.09.050. Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of .25% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this chapter.

3.09.060. Place of Sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.09.070. Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in said territory at the rate of .25% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.09.080. Adoption of Provisions of State Law.

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.09.090. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

- a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
  - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

#### 3.09.100. Permit not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

#### 3.09.110. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
  - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and



undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this chapter.
5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax regulations.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

#### 3.09.120. Amendments.

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. Except as provided above and in Section 3.40.140, this chapter may be amended only by the voters pursuant to the provisions of Elections Code section 9217 and as provided by law.

#### 3.09.130. Termination of Tax.

The transactions and use tax imposed by this Chapter shall terminate ten years from the Operative Date.

3.09.140. Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected."

SECTION 2. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. The City Council hereby declares that it would have adopted this chapter irrespective of the invalidity of any particular portion thereof.

SECTION 3. Effective Date. After its adoption by the voters, this chapter shall be in full force and effect ten (10) days after the vote is declared by the legislative body, pursuant to the provisions of Elections Code sections 9217 and 15400 and as provided by law.

SECTION 4. Publication. The City Clerk shall certify to the adoption of this chapter and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Lodi.

Approved this 4<sup>th</sup> day of August, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1751 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held August 4, 2004, and was thereafter passed, adopted and ordered to print by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1751 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI CALLING AN ELECTION TO SUBMIT TO THE VOTERS A BALLOT MEASURE TO LEVY A ONE QUARTER CENT TRANSACTIONS AND USE TAX AND AN ADVISORY BALLOT MEASURE, REQUESTING THE SAN JOAQUIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004 AND TO CONDUCT THE ELECTION, PROVIDING FOR THE SUBMISSION OF BALLOT ARGUMENTS FOR AND AGAINST THE MEASURE, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

=====

WHEREAS, Section 2(b) of Article XIII C of the California Constitution requires that a ballot measure proposing a general tax be submitted to the voters at an election consolidated with a regularly scheduled general election for members of the governing body of the City; and

WHEREAS, the California State Legislature has enacted Revenue and Taxation Code Section 7285.9, which section authorizes the City, subject to the approval of a majority of the qualified voters of the City in an election on the issue, to levy a .25% transactions and use tax for general revenue purposes; and

WHEREAS, pursuant to Section 7285.9, the City Council has approved by a two-thirds majority Ordinance No. 1751, levying a .25% transactions and use tax, subject to the approval of a majority of the qualified voters at the next regularly scheduled general election; and

WHEREAS, it is desirable that the election on the transactions and use tax ballot measure be consolidated with the statewide general election to be held on November 2, 2004; and

WHEREAS, Elections Code Section 9603 permits the submission of advisory measures to the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES HEREBY RESOLVE THAT:

SECTION 1. Pursuant to the requirements of Revenue and Taxation Code Section 7285.9 and Elections Code Section 9222, an election is hereby called on the following ballot measure to enact an ordinance establishing a transactions and use tax, and the ballot forms shall have printed on them the following words with regard to the measure:

**Shall Ordinance No. 1751, which would enact a one quarter cent transactions and use tax for general government purposes, be adopted?**

A true and correct copy of Ordinance No. 1751 is attached hereto as Exhibit 1 and is expressly incorporated herein.

SECTION 2. Pursuant to the requirements of Revenue and Taxation Code Section 7285.9 and Elections Code Section 9222, an election is hereby called on the following ballot measure to submit to the voters an advisory measure concerning the uses to which the proceeds from the proposed transactions and use tax would be put, and the ballot forms shall have printed on them the following words with regard to the measure:

**Should the proceeds from the one quarter cent transactions and use tax, if adopted, first be spent on the following City projects, in no order of priority:**

- (1) A new animal shelter;**
- (2) A new aquatic center;**
- (3) A new downtown indoor athletic center;**
- (4) Remodeling Fire Station #2;**
- (5) A new fire station in the southeast portion of Lodi; and**
- (6) Placing paramedics in each fire station?**

SECTION 3. The San Joaquin County Board of Supervisors is requested to consolidate the election on these two ballot measures with the statewide general election to be held on November 2, 2004 and to direct the San Joaquin County Registrar of Voters to take any and all necessary steps to conduct the consolidated election.

SECTION 4. Arguments in favor of and in opposition to the two ballot measures and rebuttal arguments shall be permitted. The City hereby adopts the provisions of Elections Code Sections 9220(a), 9282, and 9285(a), regarding the acceptance of arguments relating to ballot measures. The City Clerk shall fix the dates for submittal of arguments and rebuttals as provided for in the Elections Code and in conjunction with the San Joaquin County Registrar of Voters.

SECTION 5. The City Clerk is hereby authorized and directed to transmit to the City Attorney copies of the two measures to be submitted to the voters by this resolution, and the City Attorney shall prepare an impartial analysis of the two measures pursuant to Elections Code Section 9280.

Approved this 4<sup>th</sup> day of August, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====  
State of California  
County of San Joaquin, ss.

I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 4, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES; COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

## ORDINANCE NO. 1751

AN URGENCY ORDINANCE OF THE CITY OF LODI IMPOSING A  
TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE  
STATE BOARD OF EQUALIZATION AND ADDING CHAPTER  
3.09 TO THE LODI MUNICIPAL CODE

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WHEREAS, the City of Lodi's Revised Budget for 2004-2005 shows an approximately \$1.9 million shortfall in the amount of revenue relative to the amount of expenditures; and

WHEREAS, the State budget will likely involve significant funding cuts for cities, and there are currently insufficient alternative sources for funding local governments; and

WHEREAS, the City's 2004-2005 Financial Plan and Budget states that "the City will seek to maintain a diversified and stable revenue base to protect it from short-term fluctuations in any one revenue source" and that "the City will make all current expenditures with current revenues, avoiding procedures that balance current budgets by accruing future revenues, rolling over short-term debt or borrowing reserves of one fund to another"; and

WHEREAS, in light of the budget shortfall and decreasing funding from the State, the City cannot currently fund many important capital projects and thus has a vital need to increase its revenue to finance critical public projects, facilities, and services; and

WHEREAS, the City's Finance Director has estimated that a one quarter cent increase in the City's transactions and use tax would result in \$2.2 million dollars in revenue annually; and

WHEREAS, Government Code Section 36937 permits cities to enact urgency ordinances for the immediate preservation of the public peace, health, and safety; and

WHEREAS, the City Council hereby finds that, because of the inability to fund critical public projects, facilities, and services, an increase in the transactions and use tax is necessary for the immediate preservation of the public peace, health, and safety.

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

SECTION 1. The Lodi Municipal Code is hereby amended by the addition of Chapter 3.09, which shall read as follows:

"3.09.010. Title and Effect.

This chapter shall be known as the Lodi Transactions and Use Tax Ordinance. This chapter shall be applicable in the incorporated territory of the City of Lodi ("City"). This chapter shall complement, and not replace or supersede, the City's existing sales and use tax, as such tax is described in Chapter 3.08 of the Municipal Code.



3.09.020.      Operative Date

As used in Chapter 3.09, "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter. If this chapter is approved by the City Council, and subsequently approved by the voters at the November 2004 election, the operative date shall be April 1, 2005.

3.09.030.      Purpose

This chapter is adopted to achieve the following, among other purposes, and the City Council directs that the provisions hereof be interpreted in order to accomplish those purposes:

A.      To impose retail transactions and use tax regulations in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this chapter, which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B.      To adopt retail transactions and use tax regulations that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C.      To adopt retail transactions and use tax regulations that impose a tax and provide a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D.      To adopt retail transactions and use tax regulations that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

3.09.040.      Contract with State.

Prior to the Operative Date of April 1, 2005, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of these transactions and use tax regulations; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

3.09.050.      Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of .25% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this chapter.

3.09.060. Place of Sale.

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.09.070. Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this chapter for storage, use or other consumption in said territory at the rate of .25% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.09.080. Adoption of Provisions of State Law.

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

3.09.090. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

- a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
  - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

#### 3.09.100. Permit not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

#### 3.09.110. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
  - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and

undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

- b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this chapter.
5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax regulations.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

#### 3.09.120. Amendments.

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. Except as provided above and in Section 3.40.140, this chapter may be amended only by the voters pursuant to the provisions of Elections Code section 9217 and as provided by law.

#### 3.09.130. Termination of Tax.

The transactions and use tax imposed by this Chapter shall terminate ten years from the Operative Date.

3.09.140. Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected."

SECTION 2. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. The City Council hereby declares that it would have adopted this chapter irrespective of the invalidity of any particular portion thereof.

SECTION 3. Effective Date. After its adoption by the voters, this chapter shall be in full force and effect ten (10) days after the vote is declared by the legislative body, pursuant to the provisions of Elections Code sections 9217 and 15400 and as provided by law.

SECTION 4. Publication. The City Clerk shall certify to the adoption of this chapter and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Lodi.

Approved this 4<sup>th</sup> day of August, 2004

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LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1751 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held August 4, 2004, and was thereafter passed, adopted and ordered to print by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1751 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney



# CITY OF LODI

## COUNCIL COMMUNICATION

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**AGENDA TITLE:** Approval of Special Allocation for Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$188,010.18)

**MEETING DATE:** August 4, 2004 City Council Meeting

**PREPARED BY:** Steve Schwabauer, City Attorney

**RECOMMENDED ACTION:** That the City Council approve a Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$188,010.18.

**BACKGROUND INFORMATION:** As you know, the law firms of Barger & Wolen and Kronick, Moskowitz, Tiedemann & Girard were hired to perform services in relation to the Environmental Abatement litigation. Listed below are invoices from those two firms along with other miscellaneous invoices that are currently outstanding and need to be approved for payment:

- |    |  |                     |                              |
|----|--|---------------------|------------------------------|
| 1) | <b><u>Barger &amp; Wolen</u></b><br>Invoice #200282.25 for Professional Services for the<br>Period April 1-April 30, 2004                                  | \$ 98,836.20        | <b>Subject to Discussion</b> |
| 2) | <b><u>Kronick, Moskowitz, Tiedemann &amp; Girard</u></b><br>Invoice #214003 for Litigation Support (Docket Clerk) for the<br>Period March 1-April 25, 2004 | \$ 4,428.00         |                              |
|    | Invoice #213990 for Professional Services for the<br>Period April 26-May 25, 2004  | \$ 65,336.93        |                              |
| 3) | <b><u>JAMS</u></b> (Mediation Service)   | \$ 17,795.13        |                              |
| 4) | <b><u>PES Environmental</u></b> for Deposition Testimony of Keith O'Brien<br>in June 2003  | \$ 450.00           |                              |
| 5) | <b><u>Superior Photocopy Service</u></b> (Copies of San Joaquin County<br>Records)   | \$ 1,163.92         |                              |
|    | <b>Total</b>   | <b>\$188,010.18</b> |                              |

\_\_\_\_\_  
Stephen Schwabauer  
City Attorney

**FUNDING:** Water Fund 183453.7323 \$174,486.93  
City Attorney 100351.7323 \$ 13,523.25

Approved:

\_\_\_\_\_  
Jim Krueger, Finance Director

APPROVED:

\_\_\_\_\_  
H. Dixon Flynn, City Manager





CITY OF LODI  
COUNCIL COMMUNICATION  
TM

**AGENDA TITLE:** Council discussion and appropriate action regarding a proposed Amended and Restated Contract for Legal Document Services (Docket Clerk) with Kronick, Moskovitz, Tiedemann & Girard to assist with the Environmental Abatement Program litigation and/or proposed alternatives

**MEETING DATE:** August 4, 2004 City Council Meeting

**PREPARED BY:** Steve Schwabauer, City Attorney

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**RECOMMENDED ACTION:** That the City Council review, discuss and take appropriate action regarding a proposed Amended and Restated Contract for Legal Document Services (Docket Clerk) with Kronick, Moskovitz, Tiedemann & Girard (“Kronick”) to assist with the Environmental Abatement Program litigation and/or propose alternatives.

**BACKGROUND INFORMATION:** With the hiring of the law firm of Folger, Levin & Kahn to act as counsel handling the Environmental Abatement litigation, Kronick, Moskovitz, Tiedemann & Girard are in the transition mode of turning over cases to the new firm. As you will recall, the Kronick firm allowed us to utilize one of their Docket Clerks to manage the flow of legal documents because it is imperative that all documents be docketed and accounted for to be easily accessible. Kronick previously charged us a very reasonable rate of \$24.00 per hour plus travel expenses. Since Kronick is no longer acting as lead counsel in the environmental abatement litigation, and the original amount of \$5,000 dedicated for the expense of a Docket Clerk is expired, Kronick has prepared an Amended and Restated Contract at a rate of \$50.00 per hour.

In the past, the Envision Law Group kept track of files in their office electronically and manually and it was not necessary that the City’s legal secretary log in each and every document. Now that the City Attorney’s office will be monitoring all actions relating to this litigation, it is important that documents be easily accessible in the City Attorney’s office. Staff therefore requests discussion and consideration of this amended contract, and any available alternatives. Although I do believe Kronick’s proposed rate is fair and that the Docket Clerk they supplied is highly competent and professional, I cannot recommend approval of the revised contract at the proposed rate given current budget considerations. Instead, I recommend authorizing the City Attorney’s office to recruit a part-time docket clerk with a maximum average workweek of 16 hours on a contract basis.

\_\_\_\_\_  
Stephen Schwabauer, City Attorney

**FUNDING:** Water Fund 183453.7323

Approved:

\_\_\_\_\_  
Jim Krueger, Finance Director

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Comments by the City Council Members on non-agenda items